

House Amendment 1251

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1 1 Amend the amendment, H=1198, to House File 816, as
1 2 follows:
1 3 #1. Page 1, by striking lines 2 through 20 and
1 4 inserting the following:
1 5 <#____. Page 28, by inserting after line 25 the
1 6 following:
1 7 <Sec. ____ Section 280.12, subsection 2, Code
1 8 2005, is amended by adding the following new
1 9 paragraph:
1 10 NEW PARAGRAPH. f. Harassment or bullying
1 11 prevention goals, programs, training, and other
1 12 initiatives.
1 13 Sec. ____ NEW SECTION. 280.28 HARASSMENT AND
1 14 BULLYING PROHIBITED == POLICY == IMMUNITY.
1 15 1. PURPOSE == FINDINGS == POLICY. The state of
1 16 Iowa is committed to providing all students with a
1 17 safe and civil school environment in which all members
1 18 of the school community are treated with dignity and
1 19 respect. The general assembly finds that a safe and
1 20 civil school environment is necessary for students to
1 21 learn and achieve at high academic levels. Harassing
1 22 and bullying behavior can seriously disrupt the
1 23 ability of school employees to maintain a safe and
1 24 civil environment, and the ability of students to
1 25 learn and succeed. Therefore, it is the policy of the
1 26 state of Iowa that school employees, volunteers, and
1 27 students in Iowa schools shall not engage in harassing
1 28 or bullying behavior.
1 29 2. DEFINITIONS. For purposes of this section,
1 30 unless the context otherwise requires:
1 31 a. "Harassment" and "bullying" shall be construed
1 32 to mean the same and mean any conduct toward a student
1 33 that is based on any actual or perceived trait or
1 34 characteristic of the student and that creates an
1 35 objectively hostile school environment which meets any
1 36 of the following conditions:
1 37 (1) Places the student in reasonable fear of harm
1 38 to the student's person or property.
1 39 (2) Has a substantially detrimental effect on the
1 40 student's physical or mental health.
1 41 (3) Has the effect of substantially interfering
1 42 with a student's academic performance.
1 43 (4) Has the effect of substantially interfering
1 44 with the student's ability to participate in or
1 45 benefit from the services, activities, or privileges
1 46 provided by a school.
1 47 b. "Trait or characteristic of the student"
1 48 includes, but is not limited to, age, color, creed,
1 49 national origin, race, religion, marital status, sex,
1 50 sexual orientation, gender identity, physical
2 1 attributes, physical or mental ability or disability,
2 2 ancestry, political party preference, socioeconomic
2 3 status, or familial status.
2 4 3. POLICY. On or before January 1, 2006, the
2 5 board of directors of a school district and the
2 6 authorities in charge of each accredited nonpublic
2 7 school shall adopt a policy declaring harassment and
2 8 bullying in schools, on school property, and at any
2 9 school function, or school-sponsored activity
2 10 regardless of its location, in a manner consistent
2 11 with this section, as against state and school policy.
2 12 The board and the authorities shall make a copy of the
2 13 policy available to all school employees, volunteers,
2 14 students, and parents and shall take all appropriate
2 15 steps to bring the policy against harassment and
2 16 bullying, and the responsibilities set forth in the
2 17 policy to the attention of school employees,
2 18 volunteers, students, and parents. Each policy shall,
2 19 at a minimum, include all of the following components:
2 20 a. A statement declaring harassment and bullying
2 21 to be against state and school policy. The statement
2 22 shall include, but not be limited to, the following
2 23 provisions:
2 24 (1) School employees, volunteers, and students in

2 25 school, on school property, or at any school function
2 26 or school-sponsored activity shall not engage in
2 27 harassing and bullying behavior.

2 28 (2) School employees, volunteers, and students
2 29 shall not engage in reprisal, retaliation, or false
2 30 accusation against a victim, witness, or an individual
2 31 who has reliable information about such an act of
2 32 harassment or bullying.

2 33 b. A definition of harassment and bullying that is
2 34 no less inclusive than the definition set forth in
2 35 this section.

2 36 c. A description of the type of behavior expected
2 37 from school employees, volunteers, and students
2 38 relative to prevention measures, reporting, and
2 39 investigation of harassment or bullying.

2 40 d. The consequences and appropriate remedial
2 41 action for a person who violates the harassment and
2 42 bullying policy.

2 43 e. A procedure for reporting an act of harassment
2 44 or bullying, including the identification by job title
2 45 of the school official responsible for ensuring that
2 46 the policy is implemented, and the identification of
2 47 the person or persons to whom reports of harassment or
2 48 bullying shall be submitted.

2 49 f. A procedure for the prompt investigation of
2 50 complaints, either identifying the school principal,
3 1 or the principal's designee as the individual
3 2 responsible for conducting the investigation,
3 3 including a statement that investigators will consider
3 4 the totality of circumstances presented in determining
3 5 whether conduct objectively constitutes harassment or
3 6 bullying under this section.

3 7 g. A statement of the manner in which the policy
3 8 will be publicized.

3 9 4. PROGRAMS ENCOURAGED. The board of directors of
3 10 a school district and the authorities in charge of
3 11 each accredited nonpublic school are encouraged to
3 12 establish programs designed to eliminate harassment
3 13 and bullying in schools. To the extent that funds are
3 14 available for these purposes, school districts and
3 15 accredited nonpublic schools shall do the following:

3 16 a. Provide training on harassment and bullying
3 17 policies to school employees and volunteers who have
3 18 significant contact with students.

3 19 b. Develop a process to provide school employees,
3 20 volunteers, and students with the skills and knowledge
3 21 to help reduce incidents of harassment and bullying.

3 22 5. IMMUNITY. A school employee, volunteer, or
3 23 student, or a student's parent or guardian, who
3 24 promptly, reasonably, and in good faith reports an
3 25 incident of harassment or bullying, in compliance with
3 26 the procedures in the policy adopted pursuant to this
3 27 section, to the appropriate school official designated
3 28 by the school district or accredited nonpublic school,
3 29 shall be immune from civil or criminal liability
3 30 relating to such report, as well as for participating
3 31 in any administrative or judicial proceeding resulting
3 32 from or relating to the report.

3 33 6. COLLECTION REQUIREMENT. The board of directors
3 34 of a school district and the authorities in charge of
3 35 each nonpublic school shall develop and maintain a
3 36 system to collect harassment and bullying incidence
3 37 data.

3 38 7. INTEGRATION OF POLICY AND REPORTING. The board
3 39 of directors of a school district and the authorities
3 40 in charge of each nonpublic school shall integrate its
3 41 antiharassment and antibullying policy into the
3 42 comprehensive school improvement plan required under
3 43 section 256.7, subsection 21, and shall report data
3 44 collected under subsection 6, as specified by the
3 45 department to the local community.

3 46 8. EXISTING REMEDIES NOT AFFECTED. This section
3 47 shall not be construed to preclude a victim from
3 48 seeking administrative or legal remedies under any
3 49 applicable provision of law.>>

3 50 #2. By renumbering, redesignating, and correcting
4 1 internal references as necessary.

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