

House Amendment 1665

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1 1 Amend the amendment, H=1645, to the Senate
1 2 amendment, H=1635, to House File 816, as amended,
1 3 passed, and reprinted by the House, as follows:
1 4 #1. Page 27, by inserting after line 6 the
1 5 following:
1 6 <Sec. _____. Section 280.12, subsection 2, Code
1 7 2005, is amended by adding the following new
1 8 paragraph:
1 9 NEW PARAGRAPH. f. Harassment or bullying
1 10 prevention goals, programs, training, and other
1 11 initiatives.
1 12 Sec. _____. NEW SECTION. 280.28 HARASSMENT AND
1 13 BULLYING PROHIBITED == POLICY == IMMUNITY.
1 14 1. PURPOSE == FINDINGS == POLICY. The state of
1 15 Iowa is committed to providing all students with a
1 16 safe and civil school environment in which all members
1 17 of the school community are treated with dignity and
1 18 respect. The general assembly finds that a safe and
1 19 civil school environment is necessary for students to
1 20 learn and achieve at high academic levels. Harassing
1 21 and bullying behavior can seriously disrupt the
1 22 ability of school employees to maintain a safe and
1 23 civil environment, and the ability of students to
1 24 learn and succeed. Therefore, it is the policy of the
1 25 state of Iowa that school employees, volunteers, and
1 26 students in Iowa schools shall not engage in harassing
1 27 or bullying behavior.
1 28 2. DEFINITIONS. For purposes of this section,
1 29 unless the context otherwise requires:
1 30 a. "Harassment" and "bullying" shall be construed
1 31 to mean the same and mean any conduct toward a student
1 32 that is based on any actual or perceived trait or
1 33 characteristic of the student and that creates an
1 34 objectively hostile school environment which meets any
1 35 of the following conditions:
1 36 (1) Places the student in reasonable fear of harm
1 37 to the student's person or property.
1 38 (2) Has a substantially detrimental effect on the
1 39 student's physical or mental health.
1 40 (3) Has the effect of substantially interfering
1 41 with a student's academic performance.
1 42 (4) Has the effect of substantially interfering
1 43 with the student's ability to participate in or
1 44 benefit from the services, activities, or privileges
1 45 provided by a school.
1 46 b. "Trait or characteristic of the student"
1 47 includes, but is not limited to, age, color, creed,
1 48 national origin, race, religion, marital status, sex,
1 49 sexual orientation, gender identity, physical
1 50 attributes, physical or mental ability or disability,
2 1 ancestry, political party preference, socioeconomic
2 2 status, or familial status.
2 3 3. POLICY. On or before January 1, 2006, the
2 4 board of directors of a school district and the
2 5 authorities in charge of each accredited nonpublic
2 6 school shall adopt a policy declaring harassment and
2 7 bullying in schools, on school property, and at any
2 8 school function, or school-sponsored activity
2 9 regardless of its location, in a manner consistent
2 10 with this section, as against state and school policy.
2 11 The board and the authorities shall make a copy of the
2 12 policy available to all school employees, volunteers,
2 13 students, and parents and shall take all appropriate
2 14 steps to bring the policy against harassment and
2 15 bullying, and the responsibilities set forth in the
2 16 policy to the attention of school employees,
2 17 volunteers, students, and parents. Each policy shall,
2 18 at a minimum, include all of the following components:
2 19 a. A statement declaring harassment and bullying
2 20 to be against state and school policy. The statement
2 21 shall include, but not be limited to, the following
2 22 provisions:
2 23 (1) School employees, volunteers, and students in
2 24 school, on school property, or at any school function

2 25 or school-sponsored activity shall not engage in
2 26 harassing and bullying behavior.
2 27 (2) School employees, volunteers, and students
2 28 shall not engage in reprisal, retaliation, or false
2 29 accusation against a victim, witness, or an individual
2 30 who has reliable information about such an act of
2 31 harassment or bullying.
2 32 b. A definition of harassment and bullying that is
2 33 no less inclusive than the definition set forth in
2 34 this section.
2 35 c. A description of the type of behavior expected
2 36 from school employees, volunteers, and students
2 37 relative to prevention measures, reporting, and
2 38 investigation of harassment or bullying.
2 39 d. The consequences and appropriate remedial
2 40 action for a person who violates the harassment and
2 41 bullying policy.
2 42 e. A procedure for reporting an act of harassment
2 43 or bullying, including the identification by job title
2 44 of the school official responsible for ensuring that
2 45 the policy is implemented, and the identification of
2 46 the person or persons to whom reports of harassment or
2 47 bullying shall be submitted.
2 48 f. A procedure for the prompt investigation of
2 49 complaints, either identifying the school principal,
2 50 or the principal's designee as the individual
3 1 responsible for conducting the investigation,
3 2 including a statement that investigators will consider
3 3 the totality of circumstances presented in determining
3 4 whether conduct objectively constitutes harassment or
3 5 bullying under this section.
3 6 g. A statement of the manner in which the policy
3 7 will be publicized.
3 8 4. PROGRAMS ENCOURAGED. The board of directors of
3 9 a school district and the authorities in charge of
3 10 each accredited nonpublic school are encouraged to
3 11 establish programs designed to eliminate harassment
3 12 and bullying in schools. To the extent that funds are
3 13 available for these purposes, school districts and
3 14 accredited nonpublic schools shall do the following:
3 15 a. Provide training on harassment and bullying
3 16 policies to school employees and volunteers who have
3 17 significant contact with students.
3 18 b. Develop a process to provide school employees,
3 19 volunteers, and students with the skills and knowledge
3 20 to help reduce incidents of harassment and bullying.
3 21 5. IMMUNITY. A school employee, volunteer, or
3 22 student, or a student's parent or guardian, who
3 23 promptly, reasonably, and in good faith reports an
3 24 incident of harassment or bullying, in compliance with
3 25 the procedures in the policy adopted pursuant to this
3 26 section, to the appropriate school official designated
3 27 by the school district or accredited nonpublic school,
3 28 shall be immune from civil or criminal liability
3 29 relating to such report, as well as for participating
3 30 in any administrative or judicial proceeding resulting
3 31 from or relating to the report.
3 32 6. COLLECTION REQUIREMENT. The board of directors
3 33 of a school district and the authorities in charge of
3 34 each nonpublic school shall develop and maintain a
3 35 system to collect harassment and bullying incidence
3 36 data.
3 37 7. INTEGRATION OF POLICY AND REPORTING. The board
3 38 of directors of a school district and the authorities
3 39 in charge of each nonpublic school shall integrate its
3 40 antiharassment and antibullying policy into the
3 41 comprehensive school improvement plan required under
3 42 section 256.7, subsection 21, and shall report data
3 43 collected under subsection 6, as specified by the
3 44 department to the local community.
3 45 8. EXISTING REMEDIES NOT AFFECTED. This section
3 46 shall not be construed to preclude a victim from
3 47 seeking administrative or legal remedies under any
3 48 applicable provision of law.>
3 49 #2. By renumbering, redesignating, and correcting
3 50 internal references as necessary.

