

House File 2409

H-8080

1 Amend House File 2409 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 135.11, subsection 30, Code
5 2014, is amended by striking the subsection.

6 Sec. 2. Section 256.2, Code 2014, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 2A. *"Harassment"* and *"bullying"*
9 mean the same as defined in section 280.28.

10 Sec. 3. Section 256.7, Code 2014, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 33. Adopt rules incorporating the
13 training required by section 272.2, subsection 19, into
14 the standards for school district or attendance center
15 teacher professional development plans in accordance
16 with section 284.6 and school district or attendance
17 center administrator professional development plans in
18 accordance with section 284A.6.

19 Sec. 4. Section 256.9, Code 2014, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 65. Submit to the general assembly
22 annually by January 1, a report on harassment and
23 bullying in schools in this state. The report shall
24 include harassment and bullying incidence data reported
25 by school districts and accredited nonpublic schools
26 pursuant to section 280.28, subsection 7, including the
27 number of founded and unfounded reports of harassment
28 or bullying per school district and accredited
29 nonpublic school; relevant response data from the
30 Iowa youth survey; outcome data for the school climate
31 improvement grant program established by section
32 256.101; and any recommendations relating to harassment
33 and bullying prevention in this state. The department
34 shall publish the report on the department's internet
35 site.

36 Sec. 5. NEW SECTION. 256.100 **Office of support and**
37 **analysis for safe schools.**

38 1. The office of support and analysis for safe
39 schools is established in the department to coordinate
40 and implement the state's efforts to prevent and
41 respond to harassment and bullying.

42 2. The office shall coordinate efforts between
43 state agencies and promote research-based best
44 practices for programming and training in the
45 prevention of and response to harassment and bullying.
46 The office may enter into chapter 28E agreements with
47 the board of educational examiners, department of human
48 rights, the civil rights commission, postsecondary
49 educational institutions, and other public agencies
50 for the joint employment of personnel to carry out its

1 duties. The office shall coordinate with appropriate
2 stakeholders in carrying out its duties.

3 3. The office shall:

4 a. Assist schools in the implementation of section
5 280.28, using research-based best practices.

6 b. Develop or recommend qualified training programs
7 for training required by section 272.2, subsection 19.

8 c. Coordinate with area education agencies to
9 ensure that training required by section 272.2,
10 subsection 19, and appropriate mental health services
11 are available to every school in this state.

12 d. Provide assistance to school employees
13 responsible for conducting investigations of complaints
14 of incidents of harassment or bullying to ensure
15 compliance with section 280.28.

16 e. Administer the school climate improvement grant
17 program established by section 256.101.

18 f. Compare and analyze harassment and bullying
19 incidence data reported by school districts and
20 accredited nonpublic schools pursuant to section
21 280.28, subsection 7, and response data from the Iowa
22 youth survey. The office may use its analysis to
23 provide technical assistance to school districts or
24 schools to improve school learning environments and
25 school safety and to achieve compliance with section
26 280.28.

27 g. Coordinate with the department of public health
28 and other public and private agencies and organizations
29 in the administration of the your life Iowa initiative.
30 Contacts with the initiative relating to possible
31 harassment or bullying shall be shared with the office,
32 which shall assist the initiative in responding to such
33 contacts. The office shall maintain compliance with
34 applicable federal and state privacy laws to ensure
35 the confidentiality of information provided to the
36 initiative.

37 h. Collaborate with the department of public health
38 and other state agencies in the administration of the
39 Iowa youth survey to students in grades six, eight, and
40 eleven in Iowa's public and nonpublic schools. Survey
41 data shall be evaluated and reported, with aggregate
42 data available online at the Iowa youth survey internet
43 site.

44 **Sec. 6. NEW SECTION. 256.101 School climate**
45 **improvement grant program.**

46 1. A school climate improvement grant program is
47 established in the department to build upon previous
48 state efforts to promote school safety, including the
49 Iowa safe and supportive schools grant and program,
50 by providing funds to school districts and accredited

1 nonpublic schools to maintain, improve, and promote
2 safe and supportive learning environments in this
3 state. The program shall be administered by the office
4 of support and analysis for safe schools established
5 by section 256.100.

6 2. The office shall award funds from the program to
7 schools on a competitive grant basis. Awards shall be
8 consistent with the following goals of the program:

9 a. To implement section 280.28, using
10 research-based best practices.

11 b. To assist schools to promote a climate of
12 greater productivity, safety, and learning.

13 c. To assist schools in the professional
14 development of staff in research-based school safety
15 programs and classroom management programs.

16 d. To assist schools in enhancing and coordinating
17 antiviolence efforts between schools, professional,
18 parental, governmental, law enforcement, and community
19 organizations and associations.

20 3. Grants from the program may be used to fund
21 school programs or activities including but not limited
22 to the following:

23 a. Research-based staff training or other efforts
24 to implement section 280.28.

25 b. Assessment of compliance with section 280.28.

26 c. Technical assistance for improved classroom
27 management.

28 d. Research-based school safety programs that
29 address risk factors to reduce incidents of problem
30 behaviors among students including antiharassment and
31 antibullying programs.

32 e. Mental health demonstration projects.

33 f. Safety and security training and resources that
34 enhance the overall safety and security of staff and
35 students.

36 4. The office shall give priority in grant awards
37 to the following applicants:

38 a. Applicants that have a disproportionate need
39 as identified by results in the Iowa youth survey
40 indicating a heightened incidence of severe behavior
41 that negatively impacts the culture and climate
42 conditions necessary for student learning.

43 b. Applicants that demonstrate that they are
44 addressing needs or gaps identified from their results
45 in the Iowa youth survey.

46 c. Applicants that provide a commitment of
47 additional funds from public or private sources for the
48 programs or activities for which a grant is sought.

49 5. The office shall pursue additional funding from
50 public and private sources to support the program.

1 6. The department shall adopt rules to administer
2 the program, including but not limited to an
3 application process and grant award criteria.

4 Sec. 7. Section 272.1, Code 2014, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 4A. "*Harassment*" and "*bullying*"
7 mean the same as defined in section 280.28.

8 Sec. 8. Section 272.2, Code 2014, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 19. a. Adopt rules requiring all
11 teachers who have regular and substantial contact with
12 students to complete training approved by the office of
13 support and analysis for safe schools established by
14 section 256.100, on harassment and bullying prevention
15 and response as part of their professional development
16 and training plans.

17 b. Adopt rules requiring all individuals applying
18 for or renewing a license, certificate, authorization,
19 or statement of recognition issued by the board who are
20 responsible for conducting investigations of complaints
21 of incidents of harassment or bullying to complete
22 training approved by the office of support and analysis
23 for safe schools established by section 256.100, on
24 the provisions of section 280.28, conducting impartial
25 investigations with transparency, collecting evidence,
26 following up on previous investigations, and reporting
27 founded and unfounded incidents of harassment and
28 bullying to the department.

29 c. Adopt rules requiring all individuals applying
30 for or renewing an administrator license to complete
31 training approved by the office of support and analysis
32 for safe schools established by section 256.100, on
33 implementation of school-wide policies and procedures
34 for harassment and bullying identification, reporting,
35 response, and prevention.

36 Sec. 9. Section 280.28, subsection 2, paragraph a,
37 Code 2014, is amended to read as follows:

38 a. "*Electronic*" means any communication involving
39 the transmission of information by wire, radio,
40 optical cable, electromagnetic, or other similar
41 means. "*Electronic*" includes but is not limited to
42 communication via electronic mail, internet-based
43 communications including social networking sites
44 and applications, pager service, cell phones, and
45 electronic text messaging, or any other electronic
46 communication site, device, or means.

47 Sec. 10. Section 280.28, subsection 3, Code 2014,
48 is amended by adding the following new paragraph:

49 NEW PARAGRAPH. h. A procedure for documenting the
50 actions taken by the school to investigate and respond

1 to harassment or bullying.
2 Sec. 11. Section 280.28, subsection 7, Code 2014,
3 is amended to read as follows:

4 7. *Integration of policy and reporting.* The board
5 of directors of a school district and the authorities
6 in charge of each nonpublic school shall integrate
7 its antiharassment and antibullying policy into
8 the comprehensive school improvement plan required
9 under section 256.7, subsection 21, and shall report
10 ~~data collected under subsection 6, as specified by~~
11 the following to the department, ~~to~~ and the local
12 community.:

13 a. Data collected under subsection 6, as specified
14 by the department.

15 b. The process used for filing complaints,
16 including the location of online or other complaint
17 forms.

18 c. The number of school employees and volunteers
19 who have completed antiharassment and antibullying
20 training.

21 Sec. 12. Section 280.28, Code 2014, is amended by
22 adding the following new subsections:

23 NEW SUBSECTION. 9. *Parental notification.*

24 a. Each school district and accredited nonpublic
25 school shall establish notification procedures for
26 incidents of harassment or bullying in accordance
27 with this subsection. The procedures shall include
28 notification of the custodial parent or guardian of any
29 student directly involved in any incident of harassment
30 or bullying, upon investigation and determination that
31 harassment or bullying has occurred, consistent with a
32 notification plan made in consultation with the student
33 and school guidance staff. The notification shall
34 include information on the action that school officials
35 have taken regarding the incident and the actions
36 school officials will take to prevent further acts
37 of harassment or bullying. If such notification is
38 delayed, the school district or school shall document
39 the reasons for the delay. This paragraph does not
40 prohibit a school official from contacting a parent
41 or guardian about a report of harassment or bullying
42 prior to a determination that harassment or bullying
43 has occurred.

44 b. The requirements of this subsection shall
45 not apply if a school official reasonably believes
46 notification would subject a student to abuse, neglect,
47 or other physical or mental harm.

48 c. Notification pursuant to this subsection
49 shall comply with state and federal privacy laws,
50 regulations, and rules.

1 NEW SUBSECTION. 10. *Authority off school*
2 *grounds.* A school official may investigate and respond
3 appropriately to an alleged incident of harassment
4 or bullying, including cyberbullying, that occurs
5 outside of school, off of school property, or away
6 from a school function or school-sponsored activity if
7 the alleged incident of harassment or bullying has an
8 effect on school grounds that creates an objectively
9 hostile school environment and that meets one or more
10 of the conditions set out under subsection 2, paragraph
11 "b".

12 NEW SUBSECTION. 11. *Rulemaking authority.* The
13 department of education may adopt rules necessary to
14 administer this section in a uniform way across the
15 state.

16 Sec. 13. APPROPRIATIONS. There is appropriated
17 from the general fund of the state to the department of
18 education for the fiscal year beginning July 1, 2013,
19 and ending June 30, 2014, the following amounts, or
20 so much thereof as is necessary, to be used for the
21 purposes designated:

22 For the establishment and administration of the
23 office of support and analysis for safe schools,
24 for carrying out the duties of the office, including
25 salaries, support, maintenance, and for not more than
26 the following full-time equivalent positions:
27 \$ 250,000
28 FTEs 3.00

29 For the provision of grants from the school climate
30 improvement grant program established in section
31 256.101:

32 \$ 750,000

33 From the moneys appropriated to the office of
34 support and analysis for safe schools, \$150,000 shall
35 be used to provide or facilitate the provision of
36 training required by section 272.2, subsection 19, at
37 minimal cost to the trainee.

38 Notwithstanding section 8.33, moneys appropriated in
39 this section that remain unencumbered or unobligated
40 at the close of the fiscal year shall not revert but
41 shall remain available for expenditure for the purposes
42 designated until the close of the succeeding fiscal
43 year.

44 Sec. 14. EFFECTIVE UPON ENACTMENT. The following
45 provision or provisions of this Act, being deemed of
46 immediate importance, take effect upon enactment:

47 1. The section of this Act enacting section
48 256.100.

49 2. The section of this Act enacting section
50 256.101.

1 3. The section of this Act making appropriations to
2 the department of education.>
3 2. Title page, by striking lines 1 through
4 3 and inserting <An Act relating to state and
5 school antiharassment and antibullying policies,
6 establishing an office of support and analysis
7 for safe schools, establishing a school climate
8 improvement grant program, providing for training
9 on harassment and bullying prevention and response,
10 making appropriations, and including effective date
11 provisions.>

STECKMAN of Cerro Gordo