

H-8279

1 Amend the amendment, H-8248, to Senate File 2347,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, after line 48 by inserting:  
5 <\_\_\_. Page 37, after line 13 by inserting:

6 <DIVISION

7 SAFE SCHOOLS PROVISIONS

8 Sec. \_\_\_\_. Section 256.2, Code 2014, is amended by  
9 adding the following new subsection:

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

12 Sec. \_\_\_\_. NEW SECTION. 256.100 Office of support  
13 and analysis for safe schools.

14 1. Subject to an appropriation by the general  
15 assembly for purposes of this section, the office of  
16 support and analysis for safe schools is established  
17 in the department to coordinate and implement the  
18 state's efforts to prevent and respond to harassment  
19 and bullying.

20 2. The office shall coordinate efforts between  
21 state agencies and promote research-based best  
22 practices for programming and training to improve  
23 school learning environments and school safety. The  
24 office shall coordinate with appropriate stakeholders  
25 in carrying out its duties.

26 3. The office shall:

27 a. Assist schools in the implementation of section  
28 280.28, using research- and outcome-based best  
29 practices.

30 b. Provide or recommend technical assistance and  
31 training to school employees responsible for conducting  
32 investigations of complaints of incidents of harassment  
33 or bullying to ensure compliance with section 280.28.

34 c. Analyze harassment and bullying incidence data  
35 reported by school districts and accredited nonpublic  
36 schools pursuant to section 280.28, subsection 7, and  
37 response data from the Iowa youth survey. The office  
38 may use its analysis to provide technical assistance  
39 to school districts or schools to improve school  
40 learning environments and school safety and to achieve  
41 compliance with section 280.28.

42 d. Coordinate with the department of public health  
43 and other public and private agencies and organizations  
44 in the administration of the your life Iowa initiative.  
45 Contacts with the initiative relating to possible  
46 harassment or bullying shall be shared with the office,  
47 which shall assist the initiative in responding to such  
48 contacts. The office shall maintain compliance with  
49 applicable federal and state privacy laws to ensure  
50 the confidentiality of information provided to the

1 initiative.

2 e. Collaborate with the department of public health  
3 and other state agencies in the administration of the  
4 Iowa youth survey to students in grades six, eight, and  
5 eleven in Iowa's public and nonpublic schools. Survey  
6 data shall be evaluated and reported, with aggregate  
7 data available online at the Iowa youth survey internet  
8 site.

9 Sec. \_\_\_\_\_. Section 280.28, subsection 2, paragraph  
10 a, Code 2014, is amended to read as follows:

11 a. *“Electronic”* means any communication involving  
12 the transmission of information by wire, radio,  
13 optical cable, electromagnetic, or other similar  
14 means. *“Electronic”* includes but is not limited to  
15 communication via electronic mail, internet-based  
16 communications including social networking sites  
17 and applications, pager service, cell phones, and  
18 electronic text messaging, or any other electronic  
19 communication site, device, or means.

20 Sec. \_\_\_\_\_. Section 280.28, subsection 3, Code 2014,  
21 is amended by adding the following new paragraph:

22 NEW PARAGRAPH. h. A procedure for documenting the  
23 actions taken by the school to investigate and respond  
24 to harassment or bullying.

25 Sec. \_\_\_\_\_. Section 280.28, subsection 7, Code 2014,  
26 is amended to read as follows:

27 7. *Integration of policy and reporting.* The board  
28 of directors of a school district and the authorities  
29 in charge of each nonpublic school shall integrate  
30 its antiharassment and antibullying policy into  
31 the comprehensive school improvement plan required  
32 under section 256.7, subsection 21, and shall report  
33 ~~data collected under subsection 6, as specified by~~  
34 the following to the department, to and the local  
35 community.:

36 a. Data collected under subsection 6, as specified  
37 by the department.

38 b. The process used for filing complaints,  
39 including the location of online or other complaint  
40 forms.

41 c. The number of school employees and volunteers  
42 who have completed antiharassment and antibullying  
43 training.

44 Sec. \_\_\_\_\_. Section 280.28, Code 2014, is amended by  
45 adding the following new subsections:

46 NEW SUBSECTION. 9. *Parental notification.*

47 a. Each school district and accredited nonpublic  
48 school shall establish notification procedures for  
49 incidents of harassment or bullying in accordance  
50 with this subsection. The procedures shall include

1 notification of the custodial parent or guardian of any  
2 student directly involved in any incident of harassment  
3 or bullying, upon investigation and determination that  
4 harassment or bullying has occurred, consistent with a  
5 notification plan made in consultation with the student  
6 and school guidance staff. The notification shall  
7 include information on the action that school officials  
8 have taken regarding the incident and the actions  
9 school officials will take to prevent further acts  
10 of harassment or bullying. If such notification is  
11 delayed, the school district or school shall document  
12 the reasons for the delay. This paragraph does not  
13 prohibit a school official from contacting a parent  
14 or guardian about a report of harassment or bullying  
15 prior to a determination that harassment or bullying  
16 has occurred.

17 *b.* The requirements of this subsection shall  
18 not apply if a school official reasonably believes  
19 notification would subject a student to abuse, neglect,  
20 or other physical or mental harm.

21 *c.* Notification pursuant to this subsection  
22 shall comply with state and federal privacy laws,  
23 regulations, and rules.

24 NEW SUBSECTION. 10. *Authority off school*  
25 *grounds.* A school official may investigate and respond  
26 appropriately to an alleged incident of harassment  
27 or bullying that occurs outside of school, off of  
28 school property, or away from a school function or  
29 school-sponsored activity. If an alleged incident  
30 of harassment or bullying has an effect on school  
31 grounds that creates an objectively hostile school  
32 environment that meets one or more of the conditions  
33 set out under subsection 2, paragraph "b", a school  
34 official shall investigate and respond appropriately  
35 to the alleged incident. The school official's  
36 investigation and response to an alleged incident of  
37 harassment or bullying that occurs outside of school,  
38 off of school property, or away from a school function  
39 or school-sponsored activity may include referring the  
40 matter to appropriate community-based agencies.

41 NEW SUBSECTION. 11. *Rulemaking authority.* The  
42 department of education may adopt rules necessary to  
43 administer this section in a uniform way across the  
44 state.

45 Sec. \_\_\_\_\_. Section 282.18, subsection 11, Code 2014,  
46 is amended to read as follows:

47 11. A pupil who participates in open enrollment  
48 for purposes of attending a grade in grades nine  
49 through twelve in a school district other than the  
50 district of residence is ineligible to participate

1 in varsity interscholastic athletic contests and  
2 athletic competitions during the pupil's first ninety  
3 school days of enrollment in the district except that  
4 the pupil may participate immediately in a varsity  
5 interscholastic sport if the pupil is entering grade  
6 nine for the first time and did not participate in  
7 an interscholastic athletic competition for another  
8 school or school district during the summer immediately  
9 following eighth grade, if the district of residence  
10 and the other school district jointly participate  
11 in the sport, if the sport in which the pupil wishes  
12 to participate is not offered in the district of  
13 residence, if the pupil chooses to use open enrollment  
14 to attend school in another school district because  
15 the district in which the student previously attended  
16 school was dissolved and merged with one or more  
17 contiguous school districts under section 256.11,  
18 subsection 12, if the pupil participates in open  
19 enrollment because the pupil's district of residence  
20 has entered into a whole grade sharing agreement  
21 with another district for the pupil's grade, or if  
22 the parent or guardian of the pupil participating  
23 in open enrollment is an active member of the armed  
24 forces and resides in permanent housing on government  
25 property provided by a branch of the armed services,  
26 or if the district of residence determines that the  
27 pupil was previously subject to a founded incident of  
28 harassment or bullying as defined in section 280.28  
29 while attending school in the district of residence.  
30 A pupil who has paid tuition and attended school, or  
31 has attended school pursuant to a mutual agreement  
32 between the two districts, in a district other than  
33 the pupil's district of residence for at least one  
34 school year is also eligible to participate immediately  
35 in interscholastic athletic contests and athletic  
36 competitions under this section, but only as a member  
37 of a team from the district that pupil had attended.  
38 For purposes of this subsection, "*school days of*  
39 *enrollment*" does not include enrollment in summer  
40 school. For purposes of this subsection, "*varsity*"  
41 means the same as defined in section 256.46.  
42 Sec. \_\_\_\_\_. EMERGENCY RULEMAKING. The department  
43 of education may adopt emergency rules under section  
44 17A.4, subsection 3, and section 17A.5, subsection 2,  
45 paragraph "b", to implement section 256.100, as enacted  
46 in this division of this Act, and the rules shall  
47 be effective immediately upon filing unless a later  
48 date is specified in the rules. Any rules adopted in  
49 accordance with the provisions of this section shall  
50 also be published as a notice of intended action as

1 provided in section 17A.4.

2 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The following  
3 provision or provisions of this division of this Act,  
4 being deemed of immediate importance, take effect upon  
5 enactment:

6 1. The section of this division of this Act  
7 enacting section 256.100.

8 \_\_\_\_\_. Title page, line 5, by striking < matters >  
9 and inserting < matters, and including effective date  
10 provisions >>

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RUFF of Clayton