

Senate File 2318

S-5074

1 Amend Senate File 2318 as follows:

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

4 <Section 1. SHORT TITLE. This Act shall be known  
5 and may be cited as the "Bully Free Iowa Act of 2014".

6 Sec. 2. Section 256.7, Code 2014, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 33. Adopt rules providing for  
9 annual notification by the department to all school  
10 districts and accredited nonpublic schools regarding  
11 the availability of training meeting the requirements  
12 of section 272.2, subsection 19. After receipt of such  
13 notification, a school district or accredited nonpublic  
14 school shall notify all employees holding a license,  
15 certificate, authorization, or statement of recognition  
16 issued by the board of educational examiners regarding  
17 the availability of such training.

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

20 NEW SUBSECTION. 34. Adopt rules incorporating the  
21 training required by section 272.2, subsection 19,  
22 into the standards for individual teacher professional  
23 development plans in accordance with section 284.6 and  
24 individual administrator professional development plans  
25 in accordance with section 284A.6.

26 Sec. 4. NEW SECTION. 256.100 **Harassment and**  
27 **bullying prevention and response.**

28 1. The department shall coordinate and implement  
29 the state's efforts to prevent and respond to  
30 harassment and bullying as defined in section 280.28.  
31 The department may enter into chapter 28E agreements  
32 with the board of educational examiners, the department  
33 of human rights, the civil rights commission, and  
34 postsecondary educational institutions for the joint  
35 employment of personnel to carry out its duties.

36 2. The department shall:

37 a. Assist schools in this state in implementation  
38 of section 280.28, using research-based and  
39 outcome-based best practices.

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

42 c. Provide assistance to school employees  
43 responsible for conducting investigations of complaints  
44 of incidents of harassment or bullying to ensure  
45 compliance with section 280.28.

46 d. Have access to, compare, and analyze harassment  
47 and bullying incidence data reported by school  
48 districts and accredited nonpublic schools pursuant to  
49 section 280.28, subsection 7, and response data from  
50 the Iowa youth survey conducted by the department of

1 public health. The department may use its analysis to  
2 provide technical assistance to districts and schools  
3 regarding their data outcomes.

4 Sec. 5. Section 272.2, Code 2014, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 19. *a.* Adopt rules requiring  
7 all individuals applying for or renewing a license,  
8 certificate, authorization, or statement of recognition  
9 issued by the board to complete training approved by  
10 the department on harassment and bullying prevention  
11 and response.

12 *b.* Adopt rules requiring all individuals applying  
13 for or renewing an administrator license to complete  
14 training approved by the department on implementation  
15 of school-wide policies and procedures for harassment  
16 and bullying identification, reporting, response, and  
17 prevention and for the training of individuals who are  
18 responsible for conducting investigations of complaints  
19 of incidents of harassment or bullying.

20 *c.* Adopt rules providing for waiver or suspension  
21 of the training requirements of this subsection if  
22 the waiver or suspension is in the public interest,  
23 applicable to an individual who is engaged in active  
24 duty in the military service of this state or of the  
25 United States, to an individual for whom compliance  
26 with the training requirements would impose a  
27 significant hardship, or to an individual who is  
28 practicing in an education profession outside this  
29 state.

30 Sec. 6. Section 280.28, subsection 2, paragraphs a  
31 and b, Code 2014, are amended to read as follows:

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

41 *b.* "*Harassment*" and "*bullying*" shall be construed  
42 to mean any electronic, written, verbal, or physical  
43 act or conduct toward a student which is based on  
44 any actual or perceived trait or characteristic of  
45 the student or any other reason and which creates an  
46 objectively hostile school environment that meets one  
47 or more of the following conditions:

48 (1) Places the student in reasonable fear of harm  
49 to the student's person or property.

50 (2) Has a substantially detrimental effect on the

1 student's physical or mental health.

2 (3) Has the effect of substantially interfering  
3 with a student's academic performance.

4 (4) Has the effect of substantially interfering  
5 with the student's ability to participate in or benefit  
6 from the services, activities, or privileges provided  
7 by a school.

8 Sec. 7. Section 280.28, subsection 3, Code 2014, is  
9 amended by adding the following new paragraphs:

10 NEW PARAGRAPH. h. A procedure for the immediate  
11 notification of the parents or guardians of all  
12 students directly involved in a reported incident of  
13 harassment or bullying. The procedure may include an  
14 exception to the notification requirement if a school  
15 official reasonably believes notification would subject  
16 a student to abuse or neglect.

17 NEW PARAGRAPH. i. A procedure for documenting the  
18 actions taken by the school to investigate and respond  
19 to harassment or bullying.

20 Sec. 8. Section 280.28, subsections 5 and 7, Code  
21 2014, are amended to read as follows:

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

33 *b.* A school employee who determines not to  
34 investigate or take further action regarding a report  
35 of an alleged incident of harassment or bullying that  
36 occurred outside of school, off of school property,  
37 or away from a school function or school-sponsored  
38 activity shall be immune from civil or criminal  
39 liability relating to such determination. The employer  
40 of such a school employee shall be immune from civil or  
41 criminal liability relating to such determination.

42 ~~7. *Integration of policy and reporting.* The board~~  
43 ~~of directors of a school district and the authorities~~  
44 ~~in charge of each nonpublic school shall integrate~~  
45 ~~its antiharassment and antibullying policy into the~~  
46 ~~comprehensive school improvement plan required under~~  
47 ~~section 256.7, subsection 21, and shall report data~~  
48 ~~collected under subsection 6, as specified by the~~  
49 ~~department, to the local community.~~

50 Sec. 9. Section 280.28, Code 2014, is amended by

1 adding the following new subsections:  
2 NEW SUBSECTION. 7A. Annual report on internet site.  
3 *a.* The board of directors of a school district  
4 and the authorities in charge of each nonpublic  
5 school shall annually post on the school district's or  
6 school's internet site a report on the following for  
7 the previous school year by December 15:  
8 (1) Data collected under subsection 6.  
9 (2) The process used for filing complaints,  
10 including the location of online or other complaint  
11 forms.  
12 (3) Antiharassment and antibullying training  
13 completed by school employees, volunteers, and  
14 students.  
15 *b.* The department shall specify a format for the  
16 report, which shall include aggregate data on the types  
17 of harassment or bullying, as defined by the department  
18 in accordance with this section, that occurred, the  
19 incidence of harassment or bullying of each type, and  
20 trend data for the previous five years indicating  
21 whether the incidence of each type has increased or  
22 decreased. The board and the authorities shall approve  
23 the report for publication by December 1. The board  
24 and the authorities shall make copies of the report  
25 available to the public upon request.  
26 *c.* The department shall annually provide the most  
27 recent annual report by the department on statewide  
28 bullying and harassment data to the board and the  
29 authorities in a format which can be posted on the  
30 school district's or school's internet site, which  
31 shall then be posted by the board and authorities.  
32 NEW SUBSECTION. 9. Authority off school grounds. A  
33 school official may investigate and impose school  
34 discipline or take other action in the case of an  
35 alleged incident of harassment or bullying, including  
36 cyberbullying, that occurs outside of school, off of  
37 school property, or away from a school function or  
38 school-sponsored activity if all of the following  
39 apply:  
40 *a.* A parent, guardian, student, school employee,  
41 or volunteer reports an incident of harassment or  
42 bullying pursuant to the school's policy adopted under  
43 subsection 3, paragraph "e".  
44 *b.* The alleged incident of harassment or bullying  
45 has an effect on school grounds that creates an  
46 objectively hostile school environment that meets one  
47 or more of the conditions set out under subsection 2,  
48 paragraph "b".  
49 NEW SUBSECTION. 10. Rulemaking authority. The  
50 department of education may adopt rules necessary to

1 administer this section in a uniform way across the  
2 state.

3 Sec. 10. Section 282.18, subsection 11, Code 2014,  
4 is amended to read as follows:

5 11. A pupil who participates in open enrollment  
6 for purposes of attending a grade in grades nine  
7 through twelve in a school district other than the  
8 district of residence is ineligible to participate  
9 in varsity interscholastic athletic contests and  
10 athletic competitions during the pupil's first ninety  
11 school days of enrollment in the district except that  
12 the pupil may participate immediately in a varsity  
13 interscholastic sport if the pupil is entering grade  
14 nine for the first time and did not participate in  
15 an interscholastic athletic competition for another  
16 school or school district during the summer immediately  
17 following eighth grade, if the district of residence  
18 and the other school district jointly participate  
19 in the sport, if the sport in which the pupil wishes  
20 to participate is not offered in the district of  
21 residence, if the pupil chooses to use open enrollment  
22 to attend school in another school district because  
23 the district in which the student previously attended  
24 school was dissolved and merged with one or more  
25 contiguous school districts under section 256.11,  
26 subsection 12, if the pupil participates in open  
27 enrollment because the pupil's district of residence  
28 has entered into a whole grade sharing agreement  
29 with another district for the pupil's grade, ~~or~~ if  
30 the parent or guardian of the pupil participating  
31 in open enrollment is an active member of the armed  
32 forces and resides in permanent housing on government  
33 property provided by a branch of the armed services,  
34 or if the district of residence determines that the  
35 pupil was previously subject to a founded incident of  
36 harassment or bullying as defined in section 280.28  
37 while attending school in the district of residence.  
38 A pupil who has paid tuition and attended school, or  
39 has attended school pursuant to a mutual agreement  
40 between the two districts, in a district other than  
41 the pupil's district of residence for at least one  
42 school year is also eligible to participate immediately  
43 in interscholastic athletic contests and athletic  
44 competitions under this section, but only as a member  
45 of a team from the district that pupil had attended.  
46 For purposes of this subsection, "*school days of*  
47 *enrollment*" does not include enrollment in summer  
48 school. For purposes of this subsection, "*varsity*"  
49 means the same as defined in section 256.46.>

50 2. Title page, by striking lines 2 through 6 and

1 inserting <antibullying policies and providing for  
2 training on harassment and bullying prevention.>

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