

# Senate Study Bill 1048

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED CIVIL RIGHTS  
COMMISSION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the establishment of state and school  
2 antiharassment or antibullying policies, providing data  
3 collection and reporting requirements, and providing for  
4 immunity and other related matters.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1219DP 82  
7 kh/cf/24

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1 1 Section 1. Section 280.12, subsection 2, Code 2007, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. f. Harassment or bullying prevention  
1 4 goals, programs, training, and other initiatives.  
1 5 Sec. 2. NEW SECTION. 280.28 HARASSMENT AND BULLYING  
1 6 PROHIBITED == POLICY == IMMUNITY.  
1 7 1. PURPOSE == FINDINGS == POLICY. The state of Iowa is  
1 8 committed to providing all students with a safe and civil  
1 9 school environment in which all members of the school  
1 10 community are treated with dignity and respect. The general  
1 11 assembly finds that a safe and civil school environment is  
1 12 necessary for students to learn and achieve at high academic  
1 13 levels. Harassing and bullying behavior can seriously disrupt  
1 14 the ability of school employees to maintain a safe and civil  
1 15 environment, and the ability of students to learn and succeed.  
1 16 Therefore, it is the policy of the state of Iowa that school  
1 17 employees, volunteers, and students in Iowa schools shall not  
1 18 engage in harassing or bullying behavior.  
1 19 2. DEFINITIONS. For purposes of this section, unless the  
1 20 context otherwise requires:  
1 21 a. "Harassment" and "bullying" shall be construed to mean  
1 22 the same and mean any conduct toward a student which is based  
1 23 on any actual or perceived trait or characteristic of the  
1 24 student and which creates an objectively hostile school  
1 25 environment that meets one or more of the following  
1 26 conditions:  
1 27 (1) Places the student in reasonable fear of harm to the  
1 28 student's person or property.  
1 29 (2) Has a substantially detrimental effect on the  
1 30 student's physical or mental health.  
1 31 (3) Has the effect of substantially interfering with a  
1 32 student's academic performance.  
1 33 (4) Has the effect of substantially interfering with the  
1 34 student's ability to participate in or benefit from the  
1 35 services, activities, or privileges provided by a school.  
2 1 b. "Trait or characteristic of the student" includes but  
2 2 is not limited to age, color, creed, national origin, race,  
2 3 religion, marital status, sex, sexual orientation, gender  
2 4 identity, physical attributes, physical or mental ability or  
2 5 disability, ancestry, political party preference,  
2 6 socioeconomic status, or familial status.  
2 7 3. POLICY. On or before September 1, 2007, the board of  
2 8 directors of a school district and the authorities in charge  
2 9 of each accredited nonpublic school shall adopt a policy  
2 10 declaring harassment and bullying in schools, on school  
2 11 property, and at any school function, or school-sponsored  
2 12 activity regardless of its location, in a manner consistent  
2 13 with this section, as against state and school policy. The  
2 14 board and the authorities shall make a copy of the policy  
2 15 available to all school employees, volunteers, students, and  
2 16 parents or guardians and shall take all appropriate steps to

2 17 bring the policy against harassment and bullying and the  
2 18 responsibilities set forth in the policy to the attention of  
2 19 school employees, volunteers, students, and parents or  
2 20 guardians. Each policy shall, at a minimum, include all of  
2 21 the following components:

2 22 a. A statement declaring harassment and bullying to be  
2 23 against state and school policy. The statement shall include  
2 24 but not be limited to the following provisions:

2 25 (1) School employees, volunteers, and students in school,  
2 26 on school property, or at any school function or school=  
2 27 sponsored activity shall not engage in harassing and bullying  
2 28 behavior.

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

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

2 35 c. A description of the type of behavior expected from  
3 1 school employees, volunteers, parents or guardians, and  
3 2 students relative to prevention measures, reporting, and  
3 3 investigation of harassment or bullying.

3 4 d. The consequences and appropriate remedial action for a  
3 5 person who violates the harassment and bullying policy.

3 6 e. A procedure for reporting an act of harassment or  
3 7 bullying, including the identification by job title of the  
3 8 school official responsible for ensuring that the policy is  
3 9 implemented, and the identification of the person or persons  
3 10 responsible for receiving reports of harassment or bullying.

3 11 f. A procedure for the prompt investigation of complaints,  
3 12 either identifying the school principal or the principal's  
3 13 designee as the individual responsible for conducting the  
3 14 investigation, including a statement that investigators will  
3 15 consider the totality of circumstances presented in  
3 16 determining whether conduct objectively constitutes harassment  
3 17 or bullying under this section.

3 18 g. A statement of the manner in which the policy will be  
3 19 publicized.

3 20 4. PROGRAMS ENCOURAGED. The board of directors of a  
3 21 school district and the authorities in charge of each  
3 22 accredited nonpublic school are encouraged to establish  
3 23 programs designed to eliminate harassment and bullying in  
3 24 schools. To the extent that funds are available for these  
3 25 purposes, school districts and accredited nonpublic schools  
3 26 shall do the following:

3 27 a. Provide training on harassment and bullying policies to  
3 28 school employees and volunteers who have significant contact  
3 29 with students.

3 30 b. Develop a process to provide school employees,  
3 31 volunteers, and students with the skills and knowledge to help  
3 32 reduce incidents of harassment and bullying.

3 33 5. IMMUNITY. A school employee, volunteer, or student, or  
3 34 a student's parent or guardian who promptly, reasonably, and  
3 35 in good faith reports an incident of harassment or bullying,  
4 1 in compliance with the procedures in the policy adopted  
4 2 pursuant to this section, to the appropriate school official  
4 3 designated by the school district or accredited nonpublic  
4 4 school, shall be immune from civil or criminal liability  
4 5 relating to such report and to participation in any  
4 6 administrative or judicial proceeding resulting from or  
4 7 relating to the report.

4 8 6. COLLECTION REQUIREMENT. The board of directors of a  
4 9 school district and the authorities in charge of each  
4 10 nonpublic school shall develop and maintain a system to  
4 11 collect harassment and bullying incidence data.

4 12 7. INTEGRATION OF POLICY AND REPORTING. The board of  
4 13 directors of a school district and the authorities in charge  
4 14 of each nonpublic school shall integrate its antiharassment  
4 15 and antibullying policy into the comprehensive school  
4 16 improvement plan required under section 256.7, subsection 21,  
4 17 and shall report data collected under subsection 6, as  
4 18 specified by the department, to the local community.

4 19 8. EXISTING REMEDIES NOT AFFECTED. This section shall not  
4 20 be construed to preclude a victim from seeking administrative  
4 21 or legal remedies under any applicable provision of law.

#### 4 22 EXPLANATION

4 23 This bill relates to harassment and bullying of elementary  
4 24 and secondary school students and establishes a state policy  
4 25 that school employees, volunteers, and students in Iowa  
4 26 schools shall not engage in harassing or bullying behavior.

4 27 The bill adds to the list of school improvement advisory

4 28 committee recommendation areas, that school districts and  
4 29 schools must consider the committees' recommendations  
4 30 regarding harassment or bullying prevention goals, programs,  
4 31 training, and other initiatives.

4 32 The bill defines "harassment" and "bullying" to mean any  
4 33 conduct toward a student that is based on any actual or  
4 34 perceived trait or characteristic, which is also defined in  
4 35 the bill; that creates an objectively hostile education  
5 1 environment; and that meets one or more of the conditions  
5 2 specified in the bill.

5 3 The bill requires school boards and accredited nonpublic  
5 4 schools to have a policy in place by September 1, 2007, that  
5 5 states that school employees, volunteers, and students shall  
5 6 not engage in harassing or bullying behavior. The policy must  
5 7 be distributed to all concerned, define harassment and  
5 8 bullying, describe the behavior expected from all concerned,  
5 9 describe the consequences and appropriate remedial action for  
5 10 violation of the policy, include a procedure for reporting  
5 11 incidents, identify persons responsible for receiving reports,  
5 12 include a procedure for the prompt investigation of  
5 13 complaints, and list a range of sanctions and remedial actions  
5 14 that can be taken with regard to confirmed incidents. The  
5 15 policy also must prohibit reprisal, retaliation, or false  
5 16 accusation against a victim, witness, or an individual who has  
5 17 reliable information about an act of harassment or bullying.

5 18 The bill encourages school boards and schools to establish  
5 19 programs designed to eliminate harassment and bullying in  
5 20 schools, to provide training on harassment and bullying  
5 21 policies, and to develop a process to help reduce incidents of  
5 22 harassment and bullying.

5 23 The bill provides immunity from civil or criminal liability  
5 24 to school employees, volunteers, and students and their  
5 25 parents or guardians who report an incident of harassment or  
5 26 bullying promptly, reasonably, and in good faith. Existing  
5 27 administrative or legal remedies available to a victim are  
5 28 unaffected by the provisions of the bill. The bill requires  
5 29 schools to integrate their policies into their comprehensive  
5 30 school improvement plans, which are submitted to the  
5 31 department, and requires that data collected for the plan be  
5 32 reported to the local community.

5 33 LSB 1219DP 82  
5 34 kh:rj/cf/24.1