

**Senate File 86 - Introduced**

SENATE FILE 86

BY DANDEKAR

**A BILL FOR**

1 An Act relating to the establishment of school district  
2 policies to prevent and address incidents of dating  
3 violence, and providing effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 62. *a.* Develop and distribute, by July 1,  
4 2012, to all school districts a model dating violence policy  
5 to assist school districts in developing policies for dating  
6 violence reporting, response, and appropriate disciplinary  
7 procedures.

8 *b.* Review and approve the grade level topics relating  
9 to dating violence and healthy relationships in the health  
10 curriculum required pursuant to section 256.11, subsection 4,  
11 and the health education curriculum standards required pursuant  
12 to section 256.11, subsection 5, paragraph "j".

13 Sec. 2. Section 256.11, subsection 4, Code 2011, is amended  
14 to read as follows:

15 4. The following shall be taught in grades seven and  
16 eight: English-language arts; social studies; mathematics;  
17 science; health; age-appropriate and research-based human  
18 growth and development; family, consumer, career, and  
19 technology education; physical education; music; and visual  
20 art. The health curriculum shall incorporate age-appropriate  
21 dating violence education as specified in section 279.68,  
22 subsection 6, and shall also include age-appropriate and  
23 research-based information regarding the characteristics  
24 of sexually transmitted diseases, including HPV and the  
25 availability of a vaccine to prevent HPV, and acquired immune  
26 deficiency syndrome. The state board as part of accreditation  
27 standards shall adopt curriculum definitions for implementing  
28 the program in grades seven and eight. However, this  
29 subsection shall not apply to the teaching of family, consumer,  
30 career, and technology education in nonpublic schools. For  
31 purposes of this section, "age-appropriate", "HPV", and  
32 "research-based" mean the same as defined in section 279.50.

33 Sec. 3. Section 256.11, subsection 5, paragraph j,  
34 subparagraph (1), Code 2011, is amended to read as follows:

35 (1) One unit of health education which shall include

1 personal health; food and nutrition; environmental health;  
2 safety and survival skills; consumer health; family life;  
3 age-appropriate dating violence education as specified  
4 in section 279.68, subsection 6; age-appropriate and  
5 research-based human growth and development; substance abuse  
6 and nonuse; emotional and social health; health resources; and  
7 prevention and control of disease, including age-appropriate  
8 and research-based information regarding sexually transmitted  
9 diseases, including HPV and the availability of a vaccine to  
10 prevent HPV, and acquired immune deficiency syndrome.

11 Sec. 4. NEW SECTION. 279.68 Dating violence prevention and  
12 education policy.

13 1. *Legislative findings.* The general assembly finds that  
14 when a student is a victim of dating violence, the student's  
15 academic life suffers and the student's safety at school  
16 is jeopardized. The general assembly declares that all  
17 students have a right to work and study in a safe, supportive  
18 environment that is free from harassment, intimidation, and  
19 violence. It is the intent of the general assembly that the  
20 board of directors of each school district shall establish a  
21 policy to create an environment free of dating violence and for  
22 responding to incidents of dating violence, and shall provide  
23 dating violence education to students, parents, staff, faculty,  
24 and administrators in order to prevent dating violence and to  
25 address incidents involving student dating violence.

26 2. *Definitions.* As used in this section, unless the context  
27 otherwise requires:

28 a. "At school" means in a classroom on or immediately  
29 adjacent to school premises; on a school bus or other  
30 school-related vehicle; at an official school bus stop; or at  
31 any school-sponsored activity or event whether or not it takes  
32 place on school grounds.

33 b. "Dating partner" means any person, regardless of gender,  
34 involved in an intimate relationship with another primarily  
35 characterized by the expectation of affectionate involvement

1 whether casual, serious, or long-term.

2     *c.* "Dating violence" means a pattern of behavior pursuant  
3 to which a person uses threats of, or actually uses, physical,  
4 sexual, verbal, or emotional abuse to control the person's  
5 dating partner.

6     3. *Policy.* By December 1, 2012, the board of directors  
7 of each school district shall establish a specific policy to  
8 address incidents of dating violence involving students at  
9 school. Each school district shall verify compliance with this  
10 section with the department of education on an annual basis  
11 through the comprehensive school improvement plan submitted  
12 pursuant to section 256.7, subsection 21.

13     *a.* The policy shall include but not be limited to a  
14 statement that dating violence will not be tolerated, dating  
15 violence reporting procedures, guidelines for responding  
16 to at-school incidents of dating violence, and discipline  
17 procedures specific to such incidents.

18     *b.* To ensure notice of the school district's dating violence  
19 policy, the policy shall be published in any school district  
20 policy or handbook that sets forth the comprehensive rules,  
21 procedures, and standards of conduct for students at school.

22     4. *Training.* The board of directors of each school  
23 district shall provide for dating violence training for all  
24 administrators, teachers, nurses, and mental health staff at  
25 the middle and high school levels by December 1, 2012, and  
26 yearly thereafter to all newly hired administrators, teachers,  
27 nurses, and mental health staff. Upon the recommendation of an  
28 administrator, other staff may be included or may attend the  
29 training on a volunteer basis. The dating violence training  
30 shall include but not be limited to basic principles of  
31 dating violence, the warning signs of dating violence, and the  
32 school district's dating violence policy, to ensure that those  
33 receiving the training are able to appropriately respond to  
34 incidents of dating violence at school.

35     5. *Notification of policy.* The board of directors of each

1 school district shall inform the students' parents or legal  
2 guardians of the school district's dating violence policy. If  
3 requested, the school district shall provide the parents or  
4 legal guardians with the school district's dating violence  
5 policy and relevant information. The board of directors of  
6 each school district is strongly encouraged to provide parent  
7 awareness training.

8     6. *Health curriculum and standards.* The board of directors  
9 of each school district shall incorporate dating violence  
10 education that is age-appropriate into the health curriculum  
11 and curriculum standards for students in grades seven  
12 through twelve which are required pursuant to section 256.11,  
13 subsection 4, and section 256.11, subsection 5, paragraph "j".

14     a. Dating violence education shall include but not  
15 be limited to information on the definition of dating  
16 violence, recognizing dating violence warning signs, and the  
17 characteristics of healthy relationships.

18     b. Upon written request to the principal of the school of  
19 attendance, a parent or legal guardian of a student, within  
20 a reasonable period of time after the request is made, shall  
21 be permitted to examine the dating violence education program  
22 instruction materials at the school in which the student is  
23 enrolled.

24     7. *Remedies and liability.* This section does not prevent  
25 a victim from seeking redress under any other available law,  
26 either civil or criminal. This section does not create or  
27 alter any tort liability.

28     Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance  
29 with section 25B.2, subsection 3, the state cost of requiring  
30 compliance with any state mandate included in this Act shall  
31 be paid by a school district from state school foundation aid  
32 received by the school district under section 257.16. This  
33 specification of the payment of the state cost shall be deemed  
34 to meet all of the state funding-related requirements of  
35 section 25B.2, subsection 3, and no additional state funding

1 shall be necessary for the full implementation of this Act  
2 by and enforcement of this Act against all affected school  
3 districts.

4 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
5 immediate importance, takes effect upon enactment.

6 EXPLANATION

7 This bill requires school districts to adopt a dating  
8 violence policy by December 1, 2012, provide dating violence  
9 training to faculty and staff, and incorporate age-appropriate  
10 dating violence education into the health curriculum and  
11 standards for students in grades 7 through 12. The bill  
12 also requires the director of the department of education to  
13 develop and distribute to all school districts a model dating  
14 violence policy by July 1, 2012, to assist school districts in  
15 developing policies for dating violence reporting, response,  
16 and appropriate disciplinary procedures; and to review and  
17 approve the grade level topics relating to dating violence and  
18 healthy relationships in the health curriculum required under  
19 the state's education standards.

20 The bill includes the general assembly's finding that  
21 dating violence causes a student's academic life to suffer  
22 and jeopardizes the student's safety; the general assembly's  
23 declaration that all students have a right to work and study in  
24 a safe, supportive environment that is free from harassment,  
25 intimidation, and violence; and the intent of the general  
26 assembly that school districts shall establish a dating  
27 violence policy and provide dating violence education to  
28 students, parents, staff, faculty, and administrators.

29 The bill defines dating violence to mean a pattern of  
30 behavior pursuant to which a person uses threats of, or  
31 actually uses, physical, sexual, verbal, or emotional abuse  
32 to control the person's dating partner. "Dating partner" is  
33 defined as any person, regardless of gender, involved in an  
34 intimate relationship with another primarily characterized  
35 by the expectation of affectionate involvement whether

1 casual, serious, or long-term. "At school" means in a  
2 classroom on or immediately adjacent to school premises, on  
3 school-related vehicles, at an official school bus stop, or at  
4 any school-sponsored activity or event.

5 The policy must include a statement that dating violence  
6 will not be tolerated, dating violence reporting procedures,  
7 guidelines for responding to at-school incidents of dating  
8 violence, and discipline procedures specific to such incidents.  
9 The policy must be published in any school district policy or  
10 handbook.

11 The training must include the basic principles of dating  
12 violence and the warning signs of dating violence to ensure  
13 that those receiving the training are able to appropriately  
14 respond to incidents of dating violence at school.

15 The school district must inform the students' parents or  
16 legal guardians of the school district's dating violence policy  
17 and, if requested, provide them with the policy and relevant  
18 information. The bill strongly encourages school districts to  
19 provide parent awareness training.

20 The health curriculum and standards must include  
21 information on defining dating violence, recognizing dating  
22 violence warning signs, and the characteristics of healthy  
23 relationships.

24 The bill does not prevent a victim from seeking redress under  
25 any other available law, and does not create or alter any tort  
26 liability.

27 The bill may include a state mandate as defined in Code  
28 section 25B.3. The bill requires that the state cost of  
29 any state mandate included in the bill be paid by a school  
30 district from state school foundation aid received by the  
31 school district under Code section 257.16. The specification  
32 is deemed to constitute state compliance with any state mandate  
33 funding-related requirements of Code section 25B.2. The  
34 inclusion of this specification is intended to reinstate the  
35 requirement of political subdivisions to comply with any state

1 mandates included in the bill.

2 The bill takes effect upon enactment.