

**Senate Study Bill 3149 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON EDUCATION BILL BY  
CHAIRPERSON QUIRMBACH)

**A BILL FOR**

1 An Act relating to state and school antiharassment and  
2 antibullying policies, establishing an office of harassment  
3 and bullying prevention and response, establishing a school  
4 climate improvement grant program, providing for training on  
5 harassment and bullying prevention and response, and making  
6 appropriations.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.2, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 2A. *“Harassment”* and *“bullying”* mean the  
4 same as defined in section 280.28.

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

7 NEW SUBSECTION. 33. Adopt rules incorporating the training  
8 required by section 272.2, subsection 19, into the standards  
9 for individual teacher professional development plans in  
10 accordance with section 284.6 and individual administrator  
11 professional development plans in accordance with section  
12 284A.6.

13 Sec. 3. Section 256.9, Code 2014, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 65. Submit to the general assembly  
16 annually by January 1, a report on harassment and bullying in  
17 schools in this state. The report shall include harassment  
18 and bullying incidence data reported by school districts and  
19 accredited nonpublic schools pursuant to section 280.28,  
20 subsection 7, including the number of founded and unfounded  
21 reports of harassment or bullying per school district and  
22 accredited nonpublic school; outcome data for the school  
23 climate improvement grant program established by section  
24 256.101; and any recommendations relating to harassment and  
25 bullying prevention and response in this state. The department  
26 shall publish the report on the department’s internet site.

27 Sec. 4. NEW SECTION. **256.100 Office of harassment and**  
28 **bullying prevention and response.**

29 1. The office of harassment and bullying prevention and  
30 response is established in the department to coordinate  
31 and implement the state’s efforts to prevent and respond to  
32 harassment and bullying.

33 2. The office shall employ a harassment and bullying  
34 investigation specialist. The office may enter into chapter  
35 28E agreements with the department of human rights and the

1 department of human services for the joint employment of  
2 personnel to carry out its duties. The office shall coordinate  
3 with the safe school certification coalition in carrying out  
4 its duties.

5 3. The office shall:

6 a. Assist schools in this state in implementation of section  
7 280.28 with fidelity, using research-based best practices.

8 b. Develop or approve qualified training programs for  
9 training required by section 272.2, subsection 19.

10 c. Coordinate with area education agencies to ensure that  
11 training required by section 272.2, subsection 19, is available  
12 to every school in this state.

13 d. Provide assistance to school employees responsible  
14 for conducting investigations of complaints of incidents of  
15 harassment or bullying to ensure compliance with section  
16 280.28.

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

19 f. Have access to, compare, and analyze harassment and  
20 bullying incidence data reported by school districts and  
21 accredited nonpublic schools pursuant to section 280.28,  
22 subsection 7, and response data from the Iowa youth survey  
23 conducted by the department of public health. If the  
24 office determines that a significant discrepancy relating  
25 to harassment or bullying exists between the two data sets  
26 provided by a school district or school, the office shall  
27 provide technical assistance to such school district or school  
28 regarding compliance with section 280.28. Technical assistance  
29 may include but is not limited to additional training for  
30 school employees and additional efforts to educate students and  
31 parents or guardians regarding the provisions of section 280.28  
32 and how and where incidents of harassment and bullying may be  
33 reported.

34 g. Coordinate with the department of public health and  
35 other public and private agencies and organizations in the

1 administration of the your life Iowa initiative that provides  
2 assistance relating to bullying and suicide prevention.  
3 Contacts with the initiative relating to possible harassment or  
4 bullying shall be shared with the office, which shall assist  
5 the initiative in responding to such contacts.

6 Sec. 5. NEW SECTION. 256.101 **School climate improvement**  
7 **grant program.**

8 1. A school climate improvement grant program is  
9 established in the department to provide funds to school  
10 districts and accredited nonpublic schools to promote  
11 sustaining safe and supportive learning environments in this  
12 state. The program shall be administered by the office of  
13 harassment and bullying prevention and response established by  
14 section 256.100.

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

18 a. To implement section 280.28 with fidelity, using  
19 research-based best practices.

20 b. To assist schools in reducing unnecessary student  
21 disciplinary actions and promote a climate of greater  
22 productivity, safety, and learning.

23 c. To assist schools in the professional development of  
24 staff in research-based violence prevention programs and  
25 classroom management programs.

26 d. To assist schools in enhancing and coordinating  
27 antiviolence efforts between schools, professional, parental,  
28 governmental, law enforcement, and community organizations and  
29 associations.

30 3. Grants from the program may be used to fund school  
31 programs or activities including but not limited to the  
32 following:

33 a. Staff training or other efforts to implement section  
34 280.28.

35 b. Assessment of compliance with section 280.28.

- 1     *c.* Conflict resolution or dispute management including  
2 restorative justice strategies.
- 3     *d.* Peer helpers or peer mediation programs.
- 4     *e.* School-wide positive behavior support.
- 5     *f.* School-based diversion programs.
- 6     *g.* Classroom management.
- 7     *h.* Research-based violence prevention programs that address  
8 risk factors to reduce incidents of problem behaviors among  
9 students including antiharassment and antibullying programs.
- 10    *i.* Staff training in the use of positive behavior supports,  
11 de-escalation techniques, and appropriate responses to student  
12 behavior that may require immediate intervention.
- 13    *j.* Safety and security training and resources that enhance  
14 the overall safety and security of staff and students.
- 15    4. The office shall give priority in grant awards to the  
16 following applicants:
- 17    *a.* Applicants that provide a commitment of additional funds  
18 from public or private sources for the programs or activities  
19 for which a grant is sought.
- 20    *b.* Applicants coordinating with the safe school  
21 certification coalition on the programs or activities for which  
22 a grant is sought.
- 23    5. The office shall pursue additional funding from public  
24 and private sources to support the program.
- 25    6. The department shall adopt rules to administer the  
26 program, including but not limited to an application process  
27 and grant award criteria.
- 28    Sec. 6. Section 272.1, Code 2014, is amended by adding the  
29 following new subsection:
- 30    NEW SUBSECTION. 4A. "*Harassment*" and "*bullying*" mean the  
31 same as defined in section 280.28.
- 32    Sec. 7. Section 272.2, Code 2014, is amended by adding the  
33 following new subsection:
- 34    NEW SUBSECTION. 19. *a.* Adopt rules requiring all  
35 individuals applying for or renewing a license, certificate,

1 authorization, or statement of recognition issued by the  
2 board who have direct and consistent contact with students  
3 to complete training approved by the office of harassment  
4 and bullying prevention and response established by section  
5 256.100, on harassment and bullying prevention and response.

6     *b.* Adopt rules requiring all individuals applying for or  
7 renewing a license, certificate, authorization, or statement  
8 of recognition issued by the board who are responsible for  
9 conducting investigations of complaints of incidents of  
10 harassment or bullying to complete training approved by the  
11 office of harassment and bullying prevention and response  
12 established by section 256.100, on the provisions of section  
13 280.28, conducting impartial investigations with transparency,  
14 collecting evidence, following up on previous investigations,  
15 and reporting founded and unfounded incidents of harassment and  
16 bullying to the department.

17     *c.* Adopt rules requiring all individuals applying for or  
18 renewing an administrator license to complete training approved  
19 by the office of harassment and bullying prevention and  
20 response established by section 256.100, on implementation of  
21 school-wide policies and procedures for harassment and bullying  
22 identification, reporting, response, and prevention.

23     *d.* Adopt rules, in the board's discretion, providing for  
24 waiver or suspension of the training requirements of this  
25 subsection, if the waiver or suspension is in the public  
26 interest, applicable to a person who is engaged in active duty  
27 in the military service of this state or of the United States,  
28 to a person for whom compliance with the training requirements  
29 would impose a significant hardship, or to a person who is  
30 practicing a teaching profession outside this state or is  
31 otherwise subject to circumstances that would preclude the  
32 person from encountering harassment or bullying in this state.

33     Sec. 8. Section 280.28, subsection 2, paragraph a, Code  
34 2014, is amended to read as follows:

35     *a.* "*Electronic*" means any communication involving the

1 transmission of information by wire, radio, optical cable,  
2 electromagnetic, or other similar means. "Electronic" includes  
3 but is not limited to communication via electronic mail,  
4 internet-based communications including social networking sites  
5 and applications, pager service, cell phones, and electronic  
6 text messaging.

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

9 NEW PARAGRAPH. *h.* A procedure for documenting the actions  
10 taken by the school to investigate and respond to harassment  
11 or bullying.

12 Sec. 10. Section 280.28, subsection 7, Code 2014, is amended  
13 to read as follows:

14 *7. Integration of policy and reporting.* The board of  
15 directors of a school district and the authorities in charge of  
16 each nonpublic school shall integrate its antiharassment and  
17 antibullying policy into the comprehensive school improvement  
18 plan required under section 256.7, subsection 21, and shall  
19 ~~report data collected under subsection 6, as specified by the~~  
20 following to the department, to and the local community.:

21 *a.* Data collected under subsection 6, as specified by the  
22 department.

23 *b.* The process used for filing complaints, including the  
24 location of online or other complaint forms.

25 *c.* Antiharassment and antibullying training completed by  
26 school employees, volunteers, and students during each school  
27 year.

28 Sec. 11. Section 280.28, Code 2014, is amended by adding the  
29 following new subsections:

30 NEW SUBSECTION. *9. Parental notification.*

31 *a.* Each school district and accredited nonpublic school  
32 shall establish notification procedures for incidents of  
33 harassment or bullying in accordance with this subsection.  
34 Each school district and accredited nonpublic school shall  
35 designate a school official with relevant training or

1 experience who shall be responsible for such notifications.  
2 Upon investigation and determination that an incident of  
3 harassment or bullying has occurred, the designated school  
4 official shall promptly notify the parents or guardians of  
5 all students directly involved in the reported incident. The  
6 parents or guardians shall be informed of the district's or  
7 school's procedures for responding to harassment or bullying  
8 and action that school officials will take to prevent further  
9 incidents of harassment or bullying. Notification shall be  
10 provided in the primary language spoken at each student's  
11 home. This paragraph does not prohibit a school official from  
12 contacting a parent or guardian about a report of harassment or  
13 bullying prior to a determination that harassment or bullying  
14 has occurred.

15 *b.* Before the parents or guardians of a student are notified  
16 pursuant to this subsection, the designated school official,  
17 a school guidance counselor if the designated school official  
18 is not a guidance counselor, and the student shall develop  
19 a notification plan that provides for the content, process,  
20 and method for the notification, informed by an assessment  
21 of the impact of the notification on the student's safety,  
22 mental and physical health, and the home environment, and  
23 includes relevant research and resources that may be offered  
24 to support the student and the student's parents or guardians.  
25 To the extent possible, the notification shall focus on facts  
26 regarding the student's involvement and role in an incident  
27 of harassment or bullying and on safety planning, not on  
28 information relating to the actual or perceived trait or  
29 characteristic of the student on which the incident was based,  
30 if the student believes the student may be at risk of physical  
31 or mental harm if such information is disclosed.

32 *c.* The requirements of this subsection shall not apply if a  
33 school official reasonably believes notification would subject  
34 a student to abuse, neglect, or other physical or mental harm.

35 *d.* Notification pursuant to this subsection shall comply

1 with state and federal privacy laws, regulations, and rules.

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

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

14 Sec. 12. APPROPRIATIONS. There is appropriated from  
15 the general fund of the state to the department of education  
16 for the fiscal year beginning July 1, 2014, and ending June  
17 30, 2015, the following amounts, or so much thereof as is  
18 necessary, to be used for the purposes designated:

19 For the establishment and administration of the office of  
20 harassment and bullying prevention and response, for carrying  
21 out the duties of the office, including salaries, support,  
22 maintenance, miscellaneous purposes, and for not more than the  
23 following full-time equivalent positions:

24 .....	\$	500,000
25 .....	FTEs	3.00

26 For the provision of grants from the school climate  
27 improvement grant program established in section 256.101:

28 .....	\$	500,000
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29 From the moneys appropriated to the office of harassment  
30 and bullying prevention and response, \$300,000 shall be used  
31 to provide or facilitate the provision of training required by  
32 section 272.2, subsection 19, at minimal cost to the trainee.

33

EXPLANATION

34 The inclusion of this explanation does not constitute agreement with  
35 the explanation's substance by the members of the general assembly.

1 This bill establishes the office of harassment and bullying  
2 prevention and response in the department of education to  
3 coordinate and implement the state's efforts to prevent and  
4 respond to harassment and bullying.

5 The office shall employ a harassment and bullying  
6 investigation specialist. The office may enter into Code  
7 chapter 28E agreements with the department of human rights and  
8 the department of human services for the joint employment of  
9 personnel. The office shall coordinate with the safe school  
10 certification coalition in carrying out its duties.

11 The bill provides duties for the office. The office  
12 shall assist public and nonpublic schools in this state in  
13 implementation of Code section 280.28, the state antiharassment  
14 and antibullying law, with fidelity, using research-based best  
15 practices. The office shall develop or approve qualified  
16 training programs for training of school employees and  
17 administrators required by the bill and shall coordinate  
18 with area education agencies to ensure that such training is  
19 available to every school in Iowa. The office shall provide  
20 assistance to school employees responsible for conducting  
21 investigations of complaints of harassment or bullying to  
22 ensure compliance with Code section 280.28. The office  
23 shall administer the school climate improvement grant program  
24 established by the bill. The office shall have access to,  
25 compare, and analyze harassment and bullying incidence data  
26 reported by school districts and accredited nonpublic schools  
27 pursuant to Code section 280.28 and response data from the Iowa  
28 youth survey conducted by the department of public health and  
29 shall provide technical assistance if a significant discrepancy  
30 occurs between the two data sets. The office shall coordinate  
31 with the department of public health and other public and  
32 private agencies and organizations in the administration of  
33 the your life Iowa initiative. The initiative is administered  
34 by the department of public health and provides assistance  
35 relating to bullying and suicide prevention.

1 The bill appropriates to the department of education for  
2 fiscal year 2014-2015, \$500,000 for the establishment and  
3 administration of the office, for carrying out the duties of  
4 the office, and for not more than three full-time equivalent  
5 positions. From the moneys appropriated, \$300,000 shall be  
6 used to provide or facilitate the provision of training of  
7 school employees and administrators required by the bill at  
8 minimal cost to the trainee.

9 The bill establishes a school climate improvement grant  
10 program in the department of education to provide funds to  
11 school districts and accredited nonpublic schools to promote  
12 sustaining safe and supportive learning environments in this  
13 state. The program shall be administered by the office of  
14 harassment and bullying prevention and response established by  
15 the bill.

16 The office shall award funds from the program to schools on  
17 a competitive grant basis. Awards shall be consistent with the  
18 goals of the program. The goals are to implement Code section  
19 280.28 with fidelity, using research-based best practices; to  
20 assist schools in reducing unnecessary student disciplinary  
21 actions and promote a climate of greater productivity, safety,  
22 and learning; to assist schools in the professional development  
23 of staff in research-based violence prevention programs  
24 and classroom management programs; and to assist schools  
25 in enhancing and coordinating antiviolence efforts between  
26 schools, professional, parental, governmental, law enforcement,  
27 and community organizations and associations.

28 Grants from the program may be used to fund school programs  
29 or activities including but not limited to staff training or  
30 other efforts to implement Code section 280.28; assessment of  
31 compliance with Code section 280.28; conflict resolution or  
32 dispute management including restorative justice strategies;  
33 peer helpers or peer mediation programs; research-based  
34 violence prevention programs; safety and security training and  
35 resources that enhance the overall safety and security of staff

1 and students; and certain other programs and activities.

2 The office shall give priority in grant awards to applicants  
3 that provide a commitment of additional funds from public  
4 or private sources for the programs or activities for which  
5 a grant is sought and applicants coordinating with the safe  
6 school certification coalition on the programs or activities  
7 for which a grant is sought.

8 The department of education shall adopt rules to administer  
9 the program.

10 The bill appropriates to the department for fiscal year  
11 2014-2015, \$500,000 to be used for grants from the program.

12 The bill requires the board of educational examiners to  
13 adopt rules requiring all individuals applying for or renewing  
14 a license, certificate, authorization, or statement of  
15 recognition issued by the board who have direct and consistent  
16 contact with students to complete training on harassment and  
17 bullying prevention and response.

18 The bill requires the board to adopt rules requiring all  
19 individuals applying for or renewing a license, certificate,  
20 authorization, or statement of recognition issued by the board  
21 who are responsible for conducting investigations of complaints  
22 of incidents of harassment or bullying to complete training on  
23 the provisions of Code section 280.28, conducting impartial  
24 investigations with transparency, collecting evidence,  
25 following up on previous investigations, and reporting founded  
26 and unfounded incidents of harassment and bullying to the  
27 department of education.

28 The bill requires the board to adopt rules requiring all  
29 individuals applying for or renewing an administrator license  
30 to complete training on implementation of school-wide policies  
31 and procedures for harassment and bullying identification,  
32 reporting, response, and prevention.

33 The bill permits the board to adopt rules providing for  
34 waiver or suspension of the training requirements in the bill  
35 under certain circumstances.

1 The bill requires the board of education to adopt rules  
2 incorporating the training requirements into the standards  
3 for individual teacher professional development plans and  
4 individual administrator professional development plans.

5 "Harassment" and "bullying" are defined in the bill to mean  
6 the same as defined in Code section 280.28.

7 The bill modifies the definition of "electronic" under  
8 Code section 280.28 by including social networking sites  
9 and applications as part of the term "internet-based  
10 communications".

11 The bill requires state antiharassment and antibullying  
12 policies to include a procedure for documenting the actions  
13 taken by the school to investigate and respond to harassment  
14 or bullying.

15 The bill modifies data reporting requirements for schools  
16 under Code section 280.28 by requiring the board of directors  
17 of a school district and the authorities in charge of each  
18 nonpublic school to report certain additional information to  
19 the department of education and the local community.

20 The bill requires school districts and accredited nonpublic  
21 schools to establish notification procedures for incidents of  
22 harassment or bullying. The bill requires each school district  
23 and accredited nonpublic school to designate a school official  
24 with relevant training or experience who shall be responsible  
25 for such notifications. The bill requires the designated  
26 school official to promptly notify the parents or guardians  
27 of all students directly involved in a reported incident of  
28 harassment or bullying, upon investigation and determination  
29 that an incident has occurred. The parents or guardians shall  
30 be informed of the district's or school's procedures for  
31 responding to harassment or bullying and action that school  
32 officials will take to prevent further incidents of harassment  
33 or bullying.

34 Before the notification occurs, the bill requires the  
35 designated school official, a school guidance counselor if the

1 designated school official is not a guidance counselor, and  
2 the student to develop a notification plan. To the extent  
3 possible, the notification shall focus on facts regarding the  
4 student's involvement and role in an incident of harassment or  
5 bullying and on safety planning, not on information relating to  
6 the actual or perceived trait or characteristic of the student  
7 on which the incident was based, if the student believes the  
8 student may be at risk of physical or mental harm if such  
9 information is disclosed.

10 The notification requirements in the bill shall not apply  
11 if a school official reasonably believes notification would  
12 subject a student to abuse, neglect, or other physical or  
13 mental harm. Notification pursuant to the bill shall comply  
14 with state and federal privacy laws, regulations, and rules.

15 The bill grants school officials the authority to  
16 investigate and impose school discipline or take other action  
17 in the case of an alleged incident of harassment or bullying  
18 that occurs outside of school, off of school property, or  
19 away from a school function or school-sponsored activity if  
20 the alleged incident of harassment or bullying has an effect  
21 on school grounds that creates an objectively hostile school  
22 environment that places the student in reasonable fear of  
23 harm to the student's person or property; has a substantially  
24 detrimental effect on the student's physical or mental health;  
25 has the effect of substantially interfering with a student's  
26 academic performance; or has the effect of substantially  
27 interfering with the student's ability to participate in or  
28 benefit from the services, activities, or privileges provided  
29 by a school.

30 The bill permits the department of education to adopt rules  
31 necessary to administer Code section 280.28 in a uniform way  
32 across the state.

33 The bill requires the director of the department of  
34 education to submit an annual report to the general assembly on  
35 harassment and bullying in Iowa schools.