

House File 2101 - Introduced

HOUSE FILE 2101

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A BILL FOR

1 An Act concerning varsity athletics eligibility of students in
2 open enrollment subjected to harassment or bullying.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 282.18, subsection 11, Code 2016, is
2 amended to read as follows:

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

1 competitions under *this section*, but only as a member of a team
2 from the district that pupil had attended. For purposes of
3 this subsection, "*school days of enrollment*" does not include
4 enrollment in summer school. For purposes of *this subsection*,
5 "*varsity*" means the same as defined in *section 256.46*.

6 EXPLANATION

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

9 Current law provides that a high school student who
10 participates in open enrollment in a school district other
11 than the student's district of residence is ineligible to
12 participate in varsity interscholastic athletic contests and
13 athletic competitions during the student's first 90 school
14 days of enrollment in the district. However, a student may
15 participate immediately under various exceptions to that
16 requirement.

17 This bill adds an additional exception if a student's
18 district of residence determines that the student was
19 previously subject to a founded incident of harassment or
20 bullying while attending school in the district of residence.
21 The bill permits such students to participate in varsity
22 interscholastic athletic contests and athletic competitions
23 immediately upon open enrollment.

24 Under Code section 280.28, subsection 2, "harassment" and
25 "bullying" shall be construed to mean any electronic, written,
26 verbal, or physical act or conduct toward a student which is
27 based on any actual or perceived trait or characteristic of
28 the student and which creates an objectively hostile school
29 environment that meets one or more of certain conditions.