

**House Study Bill 39 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BILL)

**A BILL FOR**

1 An Act relating to state and school antiharassment and  
2 antibullying policies, providing for training for school  
3 personnel, establishing a bullying and violence prevention  
4 student mentoring pilot program, and making appropriations.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. SHORT TITLE. This Act shall be known and may be  
2 cited as the "Bully Free Iowa Act of 2015".

3 Sec. 2. Section 256.9, Code 2015, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 66. Subject to an appropriation of funds by  
6 the general assembly, ensure each school district has access to  
7 adequate training on conducting investigations of complaints of  
8 incidents of harassment or bullying pursuant to section 280.28  
9 by offering such training on an annual basis to at least one  
10 employee per district.

11 Sec. 3. NEW SECTION. **256.34 Bullying and violence**  
12 **prevention student mentoring pilot program.**

13 1. Subject to an appropriation of funds by the general  
14 assembly, the department shall establish a student mentoring  
15 pilot program to explore how student leadership can help  
16 prevent bullying and violence in schools. The program shall  
17 promote best practices for bullying and violence prevention for  
18 middle and high school students.

19 2. The department shall establish the program in at least  
20 two middle schools and two high schools in the state.

21 3. The department shall establish criteria for the  
22 selection of participating schools and evaluation of the  
23 program.

24 Sec. 4. Section 280.28, subsection 2, paragraphs a and c,  
25 Code 2015, are amended to read as follows:

26 *a.* "Electronic" means any communication involving the  
27 transmission of information by wire, radio, optical cable,  
28 electromagnetic, or other similar means. "Electronic" includes  
29 but is not limited to communication via electronic mail,  
30 internet-based communications including social networking  
31 sites, pager service, cell phones, ~~and~~ electronic text  
32 messaging, or any other electronic communication site, device,  
33 or means.

34 *c.* "Trait or characteristic of the student" includes  
35 but is not limited to age, color, creed, national origin,

1 race, religion, marital status, sex, sexual orientation,  
2 gender identity, physical attributes, physical or mental  
3 ability or disability, ancestry, political party preference,  
4 political belief, socioeconomic status, ~~or~~ familial status,  
5 behavior, friendship or relationship with others, or any  
6 other distinguishing characteristic. This paragraph shall be  
7 construed broadly to achieve the purposes of this section.

8 Sec. 5. Section 280.28, subsection 3, Code 2015, is amended  
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *h.* A procedure for the prompt notification  
11 of the parents or guardians of all students directly involved  
12 in a reported incident of harassment or bullying. The  
13 procedure shall include an exception to the notification  
14 requirement if a school official or a student who is the target  
15 of harassment or bullying reasonably believes notification  
16 would subject the targeted student to rejection, abuse, or  
17 neglect related to actual or perceived sexual orientation,  
18 gender identity, or gender expression.

19 Sec. 6. Section 280.28, Code 2015, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 9. *Authority off school grounds.* A school  
22 official may investigate and impose school discipline or take  
23 other action in the case of an alleged incident of harassment  
24 or bullying that occurs outside of school, off of school  
25 property, or away from a school function or school-sponsored  
26 activity if all of the following apply:

27 *a.* A parent, guardian, student, school employee, or  
28 volunteer reports an incident of harassment or bullying  
29 pursuant to the school's policy adopted under subsection 3,  
30 paragraph "e".

31 *b.* The alleged incident of harassment or bullying has an  
32 effect on school grounds that creates an objectively hostile  
33 school environment that meets one or more of the conditions set  
34 out under subsection 2, paragraph "b".

35 Sec. 7. Section 282.18, subsection 11, Code 2015, is amended

1 to read as follows:

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

1 is also eligible to participate immediately in interscholastic  
2 athletic contests and athletic competitions under this section,  
3 but only as a member of a team from the district that pupil  
4 had attended. For purposes of this subsection, "school days of  
5 enrollment" does not include enrollment in summer school. For  
6 purposes of this subsection, "varsity" means the same as defined  
7 in section 256.46.

8 Sec. 8. APPROPRIATIONS. There is appropriated from the  
9 general fund of the state to the department of education  
10 for the fiscal year beginning July 1, 2015, and ending June  
11 30, 2016, the following amounts, or so much thereof as is  
12 necessary, to be used for the purposes designated:

13 1. For the provision of training on conducting  
14 investigations of complaints of incidents of harassment or  
15 bullying pursuant to section 256.9, subsection 66:  
16 ..... \$ 150,000

17 The department shall utilize a request for proposals process  
18 to implement the training.

19 2. For the establishment of a bullying and violence  
20 prevention student mentoring pilot program pursuant to section  
21 256.34:  
22 ..... \$ 50,000

23 The department shall utilize a request for proposals process  
24 to implement the pilot program.

25 EXPLANATION

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

28 This bill requires the director of the department of  
29 education, subject to an appropriation of funds by the general  
30 assembly, to ensure each school district has access to adequate  
31 training on conducting investigations of complaints of  
32 incidents of harassment or bullying pursuant to Code section  
33 280.28 by offering such training on an annual basis to at least  
34 one employee per district.

35 The bill requires the department of education, subject to an

1 appropriation of funds by the general assembly, to establish  
2 a student mentoring pilot program to explore how student  
3 leadership can help prevent bullying and violence in schools.  
4 The program shall promote best practices for bullying and  
5 violence prevention for middle and high school students. The  
6 department must establish the program in at least two middle  
7 schools and two high schools. The department must establish  
8 criteria for selection of participating schools and evaluation  
9 of the program.

10 The bill modifies the definition of "electronic" under state  
11 law relating to school antiharassment and antibullying policies  
12 by adding any other electronic communication site, device, or  
13 means to the definition and by including social networking  
14 sites as part of the term "internet-based communications".

15 The bill modifies the definition of "harassment" and  
16 "bullying" under state law relating to school antiharassment  
17 and antibullying policies by adding behavior, friendship  
18 or relationship with others, or any other distinguishing  
19 characteristic to the definition. The bill provides that the  
20 definition of "harassment" and "bullying" is to be construed  
21 broadly to achieve the purposes of the law.

22 The bill requires school antiharassment and antibullying  
23 policies to include a procedure for the prompt notification of  
24 the parents or guardians of all students directly involved in  
25 a reported incident of harassment or bullying. The procedure  
26 must include an exception to the notification requirement if a  
27 school official or a student who is the target of harassment  
28 or bullying reasonably believes notification would subject the  
29 targeted student to rejection, abuse, or neglect related to  
30 actual or perceived sexual orientation, gender identity, or  
31 gender expression.

32 The bill grants school officials the authority to  
33 investigate and impose school discipline or take other action  
34 in cases of alleged incidents of harassment or bullying that  
35 occur outside of school, off of school property, or away from

1 school functions or school-sponsored activities if certain  
2 conditions are met. Those conditions are that a parent,  
3 guardian, student, school employee, or volunteer reports an  
4 incident of harassment or bullying pursuant to the school's  
5 antiharassment and antibullying policy; and that the alleged  
6 incident of harassment or bullying has an effect on school  
7 grounds that creates an objectively hostile school environment  
8 that places the student in reasonable fear of harm to the  
9 student's person or property; has a substantially detrimental  
10 effect on the student's physical or mental health; has the  
11 effect of substantially interfering with a student's academic  
12 performance; or has the effect of substantially interfering  
13 with the student's ability to participate in or benefit from  
14 the services, activities, or privileges provided by a school.

15 Current law provides that a high school student who  
16 participates in open enrollment in a school district other  
17 than the student's district of residence is ineligible to  
18 participate in varsity interscholastic athletic contests and  
19 athletic competitions during the student's first 90 school  
20 days of enrollment in the district. However, a student may  
21 participate in a varsity interscholastic sport immediately upon  
22 open enrollment under various exceptions to that requirement.

23 The bill adds an additional exception if a student's  
24 district of residence determines that the student was  
25 previously subject to a founded incident of harassment or  
26 bullying while attending school in the district of residence  
27 and both the district of residence and the other school  
28 district agree to allow the pupil to participate immediately in  
29 a varsity interscholastic sport.

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

1 The bill appropriates from the general fund of the state to  
2 the department of education for fiscal year 2015-2016, \$150,000  
3 for the provision of training on conducting investigations of  
4 complaints of incidents of harassment or bullying pursuant to  
5 the bill.

6 The bill appropriates from the general fund to the  
7 department of education for fiscal year 2015-2016, \$50,000 for  
8 the establishment of a bullying and violence prevention student  
9 mentoring pilot program pursuant to the bill.

10 The department must utilize a request for proposals process  
11 to implement the training and the pilot program.