

**House File 2426 - Introduced**

HOUSE FILE 2426

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(COMPANION TO SF 2207 BY J.  
SMITH)

**A BILL FOR**

1 An Act relating to state and school antiharassment and  
2 antibullying policies, providing for a competitive grant  
3 program to provide related training, and providing for a  
4 school climate and bullying prevention work group.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, Code 2020, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 34. Adopt by rule procedures for school  
4 districts and accredited nonpublic schools to carry out the  
5 collection and reporting of harassment and bullying incidence  
6 data pursuant to section 280.28. The rules shall require the  
7 inclusion of such data in the school district's or school's  
8 basic educational data survey. The rules shall include  
9 procedures to ensure the accuracy of the data and timelines for  
10 school districts and accredited nonpublic schools to complete  
11 such collection and reporting after an incident of harassment  
12 or bullying occurs. The rules shall also provide for the  
13 annual publication of such data on the department's internet  
14 site.

15 NEW SUBSECTION. 35. Subject to an appropriation of two  
16 hundred fifty thousand dollars by the general assembly,  
17 establish a competitive grant program for Iowa nonprofit  
18 organizations with expertise in antibullying practices to  
19 conduct research-based training on investigating complaints of  
20 incidents of harassment or bullying pursuant to section 280.28  
21 in school districts.

22 Sec. 2. Section 280.28, subsection 2, paragraph a, Code  
23 2020, is amended to read as follows:

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

32 Sec. 3. Section 280.28, subsection 6, Code 2020, is amended  
33 to read as follows:

34 6. *Collection requirement.* The board of directors of  
35 a school district and the authorities in charge of each

1 nonpublic school shall develop and maintain a system to collect  
2 harassment and bullying incidence data and report such data  
3 to the department of education as required by the department  
4 pursuant to section 256.7, subsection 34. Such system shall  
5 include data on the nature of each incident of harassment or  
6 bullying, including but not limited to whether the nature of  
7 the incident was electronic, verbal, relational, physical,  
8 or motivated by bias against a trait or characteristic of a  
9 student. A board shall identify students in the system using  
10 only a student's Iowa student state identification number.

11 Sec. 4. Section 280.28, Code 2020, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 9. Authority off school grounds.

14 a. A school official may investigate and impose school  
15 discipline in a founded case of harassment or bullying that  
16 occurs outside of school, off of school property, or away from  
17 a school function or school-sponsored activity if all of the  
18 following apply:

19 (1) An incident of harassment or bullying is reported  
20 pursuant to the school's policy adopted under subsection 3,  
21 paragraph "e".

22 (2) The alleged incident of harassment or bullying has  
23 an effect on a student on school grounds that creates an  
24 objectively hostile school environment that meets one or more  
25 of the conditions set out under subsection 2, paragraph "b".

26 b. A school official's investigation and response to an  
27 alleged incident of bullying or harassment that occurs outside  
28 of school, off of school property, or away from a school  
29 function or school-sponsored activity may include referring  
30 the matter to appropriate community-based agencies including  
31 but not limited to social services agencies, law enforcement  
32 agencies, and nonprofit organizations.

33 Sec. 5. SCHOOL CLIMATE AND BULLYING PREVENTION WORK GROUP.

34 1. The department of education shall convene a  
35 public-private work group of representatives of state and local

1 agencies, citizens, community groups, and organizations who  
2 have experience and expertise in the areas of antibullying  
3 education, research, and training. The work group, after  
4 reviewing existing research, data, and strategies, shall  
5 provide recommendations to the department regarding best  
6 practices, training, resources, additional research needs,  
7 data collection, changes to state law and administrative  
8 rules, and any other matters to enhance statewide school  
9 climate improvement and bullying prevention, awareness, and  
10 intervention.

11 2. The membership of the work group shall include but not  
12 be limited to the following, to be appointed by the director  
13 of the department of education:

14 a. At least three Iowans who are experts in research-based  
15 antibullying curricula or programs.

16 b. A public or nonpublic high school student.

17 c. A parent of a student enrolled in a public elementary or  
18 secondary school on a full-time basis.

19 d. A parent of a student enrolled in a nonpublic elementary  
20 or secondary school on a full-time basis.

21 e. A member from nominees submitted by the school  
22 administrators of Iowa.

23 f. A member from nominees submitted by the Iowa association  
24 of school boards.

25 g. A member from nominees submitted by the Iowa state  
26 education association.

27 h. Representatives from any organizations representing  
28 other relevant public or nonpublic school professionals.

29 i. A representative from a statewide organization that  
30 provides research-based training on bullying for school  
31 professionals.

32 j. A representative from at least one statewide  
33 organization with at least five years' experience in advocating  
34 on bullying prevention based on research-based best practices.

35 k. A representative for children placed in foster care.

1 1. A representative of school counselors.

2 m. A member from nominees submitted by the Iowa parent  
3 teacher association.

4 n. A representative of Iowa safe schools.

5 3. When making appointments to the work group, the director  
6 shall ensure that public, nonpublic, urban, and rural schools  
7 are adequately represented by the membership of the work group.

8 4. The work group shall also include two ex officio members  
9 of each house of the general assembly. One member each shall  
10 be selected by the majority leader of the senate and by the  
11 minority leader of the senate, and one member each shall be  
12 selected by the speaker of the house of representatives and by  
13 the minority leader of the house of representatives. Members  
14 of the general assembly shall serve for terms as provided in  
15 section 69.16B and shall be entitled to receive per diem and  
16 necessary travel and actual expenses pursuant to section 2.10,  
17 subsection 5, while carrying out their official duties as  
18 members of the work group.

19 5. The department shall convene the work group by October  
20 1, 2020. The work group shall submit its findings and  
21 recommendations in a final report to the department and the  
22 chairpersons and ranking members of the senate and house  
23 committees on education by December 13, 2021.

24 EXPLANATION

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

27 This bill relates to antiharassment and antibullying efforts  
28 in schools.

29 The bill requires the board of education to establish a  
30 competitive grant program for Iowa nonprofit organizations with  
31 expertise in antibullying practices to conduct research-based  
32 training on investigating complaints of incidents of harassment  
33 or bullying pursuant to Code section 280.28 in school  
34 districts, subject to an appropriation of \$250,000 by the  
35 general assembly.

1 The bill modifies the definition of "electronic" under Code  
2 section 280.28 by adding any other electronic communication  
3 site, device, or means to the definition and by including  
4 social networking sites as part of the term "internet-based  
5 communications".

6 The bill requires that the system developed and maintained  
7 by school boards and authorities to collect harassment and  
8 bullying incidence data include data on the nature of each  
9 incident of harassment or bullying as specified in the bill.  
10 The bill requires a board to identify students in the system  
11 using only a student's Iowa student state identification  
12 number.

13 The bill requires the board of education to adopt by rule  
14 procedures for school districts and accredited nonpublic  
15 schools to carry out the collection and reporting of harassment  
16 and bullying incidence data. The rules shall require the  
17 inclusion of such data in the school district's or school's  
18 basic educational data survey. The rules shall also include  
19 procedures to ensure the accuracy of the data and timelines for  
20 school districts and accredited nonpublic schools to complete  
21 such collection and reporting after an incident of harassment  
22 or bullying occurs.

23 The bill grants school officials the authority to  
24 investigate and impose school discipline or take other action  
25 in cases of alleged incidents of harassment or bullying that  
26 occur outside of school, off of school property, or away from  
27 school functions or school-sponsored activities if certain  
28 conditions are met. Those conditions are that an incident of  
29 harassment or bullying is reported pursuant to the school's  
30 antiharassment and antibullying policy; and that the alleged  
31 incident of harassment or bullying has an effect on school  
32 grounds that creates an objectively hostile school environment  
33 that places the student in reasonable fear of harm to the  
34 student's person or property, has a substantially detrimental  
35 effect on the student's physical or mental health, has the

1 effect of substantially interfering with a student's academic  
2 performance, or has the effect of substantially interfering  
3 with the student's ability to participate in or benefit from  
4 the services, activities, or privileges provided by a school.

5 The bill provides that a school official's investigation  
6 and response to an alleged incident of bullying or harassment  
7 that occurs outside of school, off of school property, or away  
8 from a school function or school-sponsored activity may include  
9 referring the matter to appropriate community-based agencies.

10 The bill requires the department of education to convene  
11 a public-private work group of representatives of state and  
12 local agencies, citizens, community groups, and organizations  
13 who have experience and expertise in the areas of antibullying  
14 education, research, and training. The work group, after  
15 reviewing existing research, data, and strategies, shall  
16 provide recommendations to the department regarding matters  
17 to enhance statewide school climate improvement and bullying  
18 prevention, awareness, and intervention. The bill provides for  
19 membership of the work group to be appointed by the director of  
20 the department. When making appointments to the work group,  
21 the director must ensure that public, nonpublic, urban, and  
22 rural schools are adequately represented by the membership  
23 of the work group. The work group shall also include ex  
24 officio legislative members. The department must convene the  
25 work group by October 1, 2020. The work group must submit  
26 its findings and recommendations in a final report to the  
27 department and the chairpersons and ranking members of the  
28 senate and house committees on education by December 13, 2021.