

Senate File 2207 - Introduced

SENATE FILE 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.