

Senate File 345 - Reprinted

SENATE FILE 345
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1044)

(As Amended and Passed by the Senate March 31, 2015)

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 providing for a school
5 climate and bullying work group.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code 2015, is amended by adding
2 the following new subsection:

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

9 Sec. 2. NEW SECTION. **256.34 Bullying and violence**
10 **prevention student mentoring pilot program.**

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

17 2. The department shall establish the program in at least
18 two middle schools and two high schools in the state. The
19 selected schools shall include both urban and rural schools.

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

23 Sec. 3. Section 280.28, subsection 2, paragraphs a and c,
24 Code 2015, are amended to read as follows:

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

33 *c.* "Trait or characteristic of the student" includes but
34 is not limited to age, color, creed, national origin, race,
35 religion, marital status, sex, sexual orientation, gender

1 identity, physical attributes, physical or mental ability or
2 disability, ancestry, political party preference, political
3 belief, socioeconomic status, ~~or~~ behavior, or
4 any other distinguishing characteristic. This paragraph shall
5 be construed broadly to achieve the purposes of this section.

6 Sec. 4. Section 280.28, subsection 3, Code 2015, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *h.* A procedure for the notification as
9 soon as practicable of the parents or guardians of the alleged
10 targeted students and perpetrators in a reported incident
11 of harassment or bullying. The procedure shall include an
12 exception to the notification requirement if a school official
13 or a student whose parent or guardian would otherwise be
14 notified reasonably believes notification would subject the
15 student to rejection, abuse, or neglect.

16 Sec. 5. Section 280.28, Code 2015, is amended by adding the
17 following new subsections:

18 NEW SUBSECTION. 9. *Authority off school grounds.*

19 *a.* A school official may investigate and impose school
20 discipline in a founded case of harassment or bullying that
21 occurs outside of school, off of school property, or away from
22 a school function or school-sponsored activity if all of the
23 following apply:

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

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

31 *b.* A school official's investigation and response to an
32 alleged incident of bullying or harassment that occurs outside
33 of school, off of school property, or away from a school
34 function or school-sponsored activity may include referring
35 the matter to appropriate community-based agencies including

1 but not limited to social services agencies, law enforcement
2 agencies, and nonprofit organizations.

3 NEW SUBSECTION. 10. *Rule of construction.* This section
4 shall not be construed to diminish a school administrator's
5 discretion to impose discipline or take other action in the
6 case of an unfounded incident of harassment or bullying if a
7 student's behavior otherwise constitutes student misconduct
8 based on other grounds.

9 Sec. 6. Section 282.18, subsection 11, Code 2015, is amended
10 to read as follows:

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

1 determines that the pupil was subject to a founded incident
2 of harassment or bullying as defined in section 280.28 while
3 attending school in the district of residence in the current or
4 previous school year and both the district of residence and the
5 other school district agree to allow the pupil to participate
6 immediately in a varsity interscholastic sport. A pupil who
7 has paid tuition and attended school, or has attended school
8 pursuant to a mutual agreement between the two districts,
9 in a district other than the pupil's district of residence
10 for at least one school year is also eligible to participate
11 immediately in interscholastic athletic contests and athletic
12 competitions under this section, but only as a member of a team
13 from the district that pupil had attended. For purposes of
14 this subsection, "*school days of enrollment*" does not include
15 enrollment in summer school. For purposes of this subsection,
16 "*varsity*" means the same as defined in section 256.46.

17 Sec. 7. SCHOOL CLIMATE AND BULLYING WORK GROUP.

18 1. The department of education shall convene a
19 public-private work group of representatives of state and local
20 agencies, citizens, community groups, and organizations who
21 have experience and expertise in the areas of antibullying
22 education, research, and training. The work group, after
23 reviewing existing research, data, and strategies, shall
24 provide recommendations to the department regarding best
25 practices, training, resources, additional research needs,
26 data collection, changes to state law and administrative
27 rules, and any other matters to enhance statewide school
28 climate improvement and bullying prevention, awareness, and
29 intervention.

30 2. The membership of the work group shall include but not be
31 limited to the following, to be appointed by the director:

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

34 b. A public or nonpublic high school student.

35 c. A parent of a student enrolled in a public elementary or

1 secondary school on a full-time basis.

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

4 e. A member from nominees submitted by the school
5 administrators of Iowa.

6 f. A member from nominees submitted by the Iowa association
7 of school boards.

8 g. A member from nominees submitted by the Iowa state
9 education association.

10 h. Representatives from any organizations representing
11 other relevant public or nonpublic school professionals.

12 i. A representative from a statewide organization that
13 provides research-based training on bullying for school
14 professionals.

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

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

19 l. A representative of school counselors.

20 m. A member from nominees submitted by the Iowa parent
21 teacher association.

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

25 4. The work group shall also include two ex officio members
26 of each house of the general assembly. One member each shall
27 be selected by the majority leader of the senate and by the
28 minority leader of the senate, and one member each shall be
29 selected by the speaker of the house of representatives and by
30 the minority leader of the house of representatives. Members
31 of the general assembly shall serve for terms as provided in
32 section 69.16B and shall be entitled to receive per diem and
33 necessary travel and actual expenses pursuant to section 2.10,
34 subsection 5, while carrying out their official duties as
35 members of the work group.

1 5. The department shall convene the work group by October
2 1, 2015. The work group shall submit its findings and
3 recommendations in a final report to the department and the
4 chairpersons and ranking members of the senate and house
5 education committees by December 15, 2016.