

Senate File 61 - Enrolled

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1 1 SENATE FILE 61
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1 3 AN ACT
1 4 RELATING TO THE ESTABLISHMENT OF STATE AND SCHOOL ANTIHARASSMENT
1 5 AND ANTIBULLYING POLICIES, PROVIDING DATA COLLECTION AND
1 6 REPORTING REQUIREMENTS, AND PROVIDING FOR IMMUNITY AND
1 7 OTHER RELATED MATTERS.
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1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 11 Section 1. Section 280.12, subsection 2, Code 2007, is
1 12 amended by adding the following new paragraph:
1 13 NEW PARAGRAPH. f. Harassment or bullying prevention
1 14 goals, programs, training, and other initiatives.
1 15 Sec. 2. NEW SECTION. 280.28 HARASSMENT AND BULLYING
1 16 PROHIBITED == POLICY == IMMUNITY.
1 17 1. PURPOSE == FINDINGS == POLICY. The state of Iowa is
1 18 committed to providing all students with a safe and civil
1 19 school environment in which all members of the school
1 20 community are treated with dignity and respect. The general
1 21 assembly finds that a safe and civil school environment is
1 22 necessary for students to learn and achieve at high academic
1 23 levels. Harassing and bullying behavior can seriously disrupt
1 24 the ability of school employees to maintain a safe and civil
1 25 environment, and the ability of students to learn and succeed.
1 26 Therefore, it is the policy of the state of Iowa that school
1 27 employees, volunteers, and students in Iowa schools shall not
1 28 engage in harassing or bullying behavior.
1 29 2. DEFINITIONS. For purposes of this section, unless the
1 30 context otherwise requires:
1 31 a. "Electronic" means any communication involving the
1 32 transmission of information by wire, radio, optical cable,
1 33 electromagnetic, or other similar means. "Electronic"
1 34 includes but is not limited to communication via electronic
1 35 mail, internet-based communications, pager service, cell
2 1 phones, and electronic text messaging.
2 2 b. "Harassment" and "bullying" shall be construed to mean
2 3 any electronic, written, verbal, or physical act or conduct
2 4 toward a student which is based on any actual or perceived
2 5 trait or characteristic of the student and which creates an
2 6 objectively hostile school environment that meets one or more
2 7 of the following conditions:
2 8 (1) Places the student in reasonable fear of harm to the
2 9 student's person or property.
2 10 (2) Has a substantially detrimental effect on the
2 11 student's physical or mental health.
2 12 (3) Has the effect of substantially interfering with a
2 13 student's academic performance.
2 14 (4) Has the effect of substantially interfering with the
2 15 student's ability to participate in or benefit from the
2 16 services, activities, or privileges provided by a school.
2 17 c. "Trait or characteristic of the student" includes but

2 18 is not limited to age, color, creed, national origin, race,
2 19 religion, marital status, sex, sexual orientation, gender
2 20 identity, physical attributes, physical or mental ability or
2 21 disability, ancestry, political party preference, political
2 22 belief, socioeconomic status, or familial status.

2 23 d. "Volunteer" means an individual who has regular,
2 24 significant contact with students.

2 25 3. POLICY. On or before September 1, 2007, the board of
2 26 directors of a school district and the authorities in charge
2 27 of each accredited nonpublic school shall adopt a policy
2 28 declaring harassment and bullying in schools, on school
2 29 property, and at any school function, or school=sponsored
2 30 activity regardless of its location, in a manner consistent
2 31 with this section, as against state and school policy. The
2 32 board and the authorities shall make a copy of the policy
2 33 available to all school employees, volunteers, students, and
2 34 parents or guardians and shall take all appropriate steps to
2 35 bring the policy against harassment and bullying and the
3 1 responsibilities set forth in the policy to the attention of
3 2 school employees, volunteers, students, and parents or
3 3 guardians. Each policy shall, at a minimum, include all of
3 4 the following components:

3 5 a. A statement declaring harassment and bullying to be
3 6 against state and school policy. The statement shall include
3 7 but not be limited to the following provisions:

3 8 (1) School employees, volunteers, and students in school,
3 9 on school property, or at any school function or school=
3 10 sponsored activity shall not engage in harassing and bullying
3 11 behavior.

3 12 (2) School employees, volunteers, and students shall not
3 13 engage in reprisal, retaliation, or false accusation against a
3 14 victim, witness, or an individual who has reliable information
3 15 about such an act of harassment or bullying.

3 16 b. A definition of harassment and bullying as set forth in
3 17 this section.

3 18 c. A description of the type of behavior expected from
3 19 school employees, volunteers, parents or guardians, and
3 20 students relative to prevention measures, reporting, and
3 21 investigation of harassment or bullying.

3 22 d. The consequences and appropriate remedial action for a
3 23 person who violates the antiharassment and antibullying
3 24 policy.

3 25 e. A procedure for reporting an act of harassment or
3 26 bullying, including the identification by job title of the
3 27 school official responsible for ensuring that the policy is
3 28 implemented, and the identification of the person or persons
3 29 responsible for receiving reports of harassment or bullying.

3 30 f. A procedure for the prompt investigation of complaints,
3 31 either identifying the school superintendent or the
3 32 superintendent's designee as the individual responsible for
3 33 conducting the investigation, including a statement that
3 34 investigators will consider the totality of circumstances
3 35 presented in determining whether conduct objectively
4 1 constitutes harassment or bullying under this section.

4 2 g. A statement of the manner in which the policy will be
4 3 publicized.

4 4 4. PROGRAMS ENCOURAGED. The board of directors of a
4 5 school district and the authorities in charge of each
4 6 accredited nonpublic school are encouraged to establish

4 7 programs designed to eliminate harassment and bullying in
4 8 schools. To the extent that funds are available for these
4 9 purposes, school districts and accredited nonpublic schools
4 10 shall do the following:

4 11 a. Provide training on antiharassment and antibullying
4 12 policies to school employees and volunteers who have
4 13 significant contact with students.

4 14 b. Develop a process to provide school employees,
4 15 volunteers, and students with the skills and knowledge to help
4 16 reduce incidents of harassment and bullying.

4 17 5. IMMUNITY. A school employee, volunteer, or student, or
4 18 a student's parent or guardian who promptly, reasonably, and
4 19 in good faith reports an incident of harassment or bullying,
4 20 in compliance with the procedures in the policy adopted
4 21 pursuant to this section, to the appropriate school official
4 22 designated by the school district or accredited nonpublic
4 23 school, shall be immune from civil or criminal liability
4 24 relating to such report and to participation in any
4 25 administrative or judicial proceeding resulting from or
4 26 relating to the report.

4 27 6. COLLECTION REQUIREMENT. The board of directors of a
4 28 school district and the authorities in charge of each
4 29 nonpublic school shall develop and maintain a system to
4 30 collect harassment and bullying incidence data.

4 31 7. INTEGRATION OF POLICY AND REPORTING. The board of
4 32 directors of a school district and the authorities in charge
4 33 of each nonpublic school shall integrate its antiharassment
4 34 and antibullying policy into the comprehensive school
4 35 improvement plan required under section 256.7, subsection 21,
5 1 and shall report data collected under subsection 6, as
5 2 specified by the department, to the local community.

5 3 8. EXISTING REMEDIES NOT AFFECTED. This section shall not
5 4 be construed to preclude a victim from seeking administrative
5 5 or legal remedies under any applicable provision of law.

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JOHN P. KIBBIE
President of the Senate

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PATRICK J. MURPHY
Speaker of the House

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5 17 I hereby certify that this bill originated in the Senate and
5 18 is known as Senate File 61, Eighty=second General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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5 24 Approved _____, 2007

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5 28 CHESTER J. CULVER

5 29 Governor