

FEB 22 2005
EDUCATION

HOUSE FILE 382
BY FOEGE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring school districts to adopt and annually review
2 policies prohibiting bullying and harassment.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 382

1 Section 1. NEW SECTION. 279.60 ANTIBULLYING AND
2 ANTIHARASSMENT POLICY.

3 1. The board of directors of each school district shall
4 adopt and implement a policy prohibiting bullying and
5 harassment of all students. The policy shall be developed,
6 and annually reviewed, with input from parents, guardians,
7 school employees, volunteers, students, school administrators,
8 and other members of the community. The policy shall, at a
9 minimum, include or provide for all of the following:

10 a. A definition of bullying and harassment which shall be
11 construed to mean any conduct toward a student that is based
12 on any real or perceived characteristic, including, but not
13 limited to, age, color, creed, national origin, race,
14 religion, marital status, sex, sexual orientation, gender
15 identity, physical attributes, physical or mental ability or
16 disability, ancestry, political party preference,
17 socioeconomic status, or familial status, and that creates an
18 objectively hostile school environment which meets any of the
19 following conditions:

20 (1) Places the student in reasonable fear of harm to the
21 student's person or property.

22 (2) Has a substantially detrimental effect on the
23 student's physical or mental health.

24 (3) Has the effect of substantially interfering with a
25 student's academic performance.

26 (4) Has the effect of substantially interfering with the
27 student's ability to participate in or benefit from the
28 services, activities, or privileges provided by a school.

29 b. Effective prevention strategies and professional
30 development for teachers and administrators.

31 c. Monitoring and evaluation of the policy's effectiveness
32 on an annual basis and inclusion in the comprehensive school
33 improvement plan filed with the department of education in
34 accordance with section 256.7, subsection 21.

35 d. Procedures for receiving and responding to complaints.

1 e. Consequences and appropriate remedial action for
2 violation of the policy, taking into account the pattern and
3 severity of particular bullying and harassing behavior.

4 f. Public notice of the policy.

5 g. Prohibition of reprisals or retaliation against any
6 person who cooperates or assists in the investigation of
7 bullying or harassing behavior.

8 2. Each school board shall develop procedures necessary to
9 implement and administer this section.

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EXPLANATION

11 This bill requires school boards to adopt and annually
12 review a policy prohibiting bullying and harassment of all
13 students. The policy must be developed and annually reviewed
14 with the participation of parents, guardians, school
15 employees, volunteers, students, and other members of the
16 community. The policy must include or provide for a
17 definition of bullying and harassment which includes criteria
18 set forth in the bill, effective prevention strategies,
19 monitoring and evaluation of the policy's effectiveness,
20 procedures for receiving and responding to complaints,
21 consequences and remedial action, public notice of the policy,
22 and a prohibition of reprisals or retaliation against anyone
23 who cooperates or assists in the investigation of bullying or
24 harassing behavior. The bill may include a state mandate as
25 defined in Code section 25B.3.

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