



Feb. 23, 2023

## Bullying Checklist - District

### Iowa Code 280.28 defines bullying and harassment as:

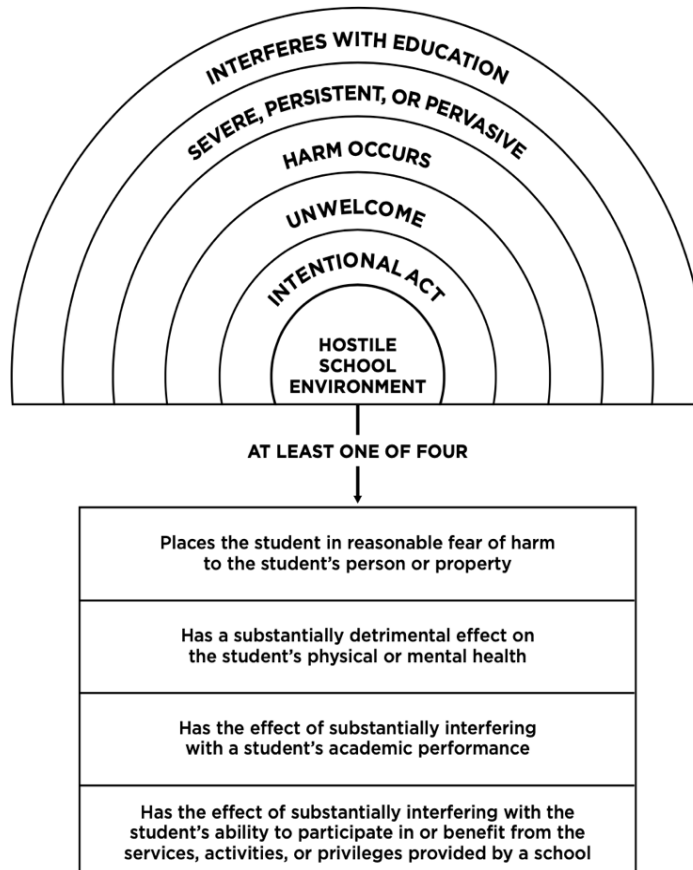
Any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment and:

1. Places the student in reasonable fear of harm to the student's person or property.
2. Has a substantially detrimental effect on the student's physical or mental health.
3. Has the effect of substantially interfering with a student's academic performance.
4. Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Trait or characteristic of the student" includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status."

### What is a Hostile School Environment?

A hostile school environment includes the five features below including interference with education through at least one of the four conditions as listed in the above paragraph and outlined in the below graphic (Rose, 2020).





## Responsibility of Iowa Department of Education (Department):

The Department is responsible to work with the district/school to ensure it is following state and/or federal code, has appropriate policies and procedures in place, and is following them to keep all people safe.

## Responsibility of Districts:

Investigate all reports of bullying and harassment following the below guidance. All incidents found to be a violation of Iowa's anti-bullying/harassment law must be reported. An incident meeting one or more of the above criteria is a violation of the law. Accredited public and nonpublic schools are required to submit these data to the Department in Spring BEDS.

### If a student reports bullying or harassment the district should:

- Follow district's bullying and harassment policy, or determine if incident might be discriminatory harassment based on race, national origin, color, sex, age, disability, or religion. 34 C.F.R. §§104.7(b) and 106.8(b); 28 C.F.R. § 35.107(b). If description falls into possible discrimination, follow nondiscrimination grievance policy.
- Consider utilizing the Bullying/Harassment [Complaint Form](#), [Witness Disclosure Form](#) and [Anti-Bullying, Anti-Harassment Investigation Procedures](#).
- Consider creating and following an interim [Pre-Investigation Student Safety Plan](#) for the alleged perpetrator and target. (Caution: A safety plan is not a substitute for a thorough investigation.)
- Document What, Where, Who, and When of the event(s) and How it affected the student.
- Interview both the alleged perpetrator and target, eyewitnesses identified during the investigation, and anyone who can corroborate or refute the allegations (e.g., parents, other children who may have been targets).
- Explain to the alleged perpetrator the nature of the allegations.
- Allow the alleged perpetrator to respond to the charges and to provide evidence.
- Contact law enforcement if a physical assault has or may have occurred; however, the investigation required by [Iowa Code 280.28](#) must continue.
- Contact law enforcement if a "dangerous weapon" per [Iowa Code 702.7](#) is or may be involved; however, the investigation required by [Iowa Code 280.28](#) must continue.
- Do not bring the alleged perpetrator and target together to mediate the situation.
- The standard of proof is "preponderance of the evidence." A bullying and harassment report is founded if it is more likely than not that bullying and harassment occurred. Use of a higher or lower standard violates [Iowa Code 280.28](#).
- The standard in criminal court (beyond a reasonable doubt) does not apply. Do not defer the investigation until the conclusion of the criminal process. Do not discontinue the investigation solely because law enforcement declines to make an arrest or file charges.
- If there are competing eyewitness or participant accounts, determine whether one or more of the eyewitnesses or participants is more credible in light of all of the evidence gathered. It is impermissible to find no bullying and harassment merely because the accounts differ or there was competing versions of events unless all eyewitnesses or participants are equally credible.
- Prepare a written report, documenting the investigator's findings of fact, reasoning and conclusion as to whether bullying or harassment occurred, and corrective action and protections from retaliation based on filing a bullying and harassment complaint.
- If bullying is founded, consider developing a safety plan (Example [Post-Investigation Safety Plan](#))
- At the conclusion of the investigation, let the alleged perpetrator and target know of the results of the investigation. Remember, the target is not to be informed of the perpetrator's specific punishment unless it directly relates to the target.
- If bullying/harassment is founded, report incident in the State of Iowa bullying and harassment database



## Bullying/Harassment - Federal Laws

- [Federal Laws Protecting Citizens](http://stopbullying.gov) (stopbullying.gov)

## Parent Resources

- [Iowa Department of Education Bullying/Harassment webpage](#)
- [Guidelines for Parents in Reporting Bullying](#)
- [Parents](#) (Cyberbullying Research Center)
- [Parents Page](#) (Stomp Out Bullying)
- [Students with Disabilities and Bullying: Top five things for parents, educators, and students to know](#) (Pacer's National Bullying Prevention Center)

## Determining the difference between conflict and bullying:

**Bullying** is a persistent pattern of unwelcome aggressive behavior that often involves an imbalance of power, and/or the intention to harm or humiliate someone ([Safe@School](#)). Characteristics of a bullying situation include:

- An imbalance of power
- The intent to harm;
- Worsens with repetition over time;
- The distress of the child or teen being bullied, often including fear or terror;
- Enjoyment of the effects on the child or teen being bullied by the person (people) doing the bullying;
- The threat-implicit or explicit-of further aggression

**Conflict** is generally a disagreement or difference in opinion between peers who typically have equal power in their relationships. It's usually an inevitable part of a group dynamic. Both parties have power to influence the situation ([Pacer's National Bullying Prevention Center](#)).

Normal Peer Conflict	Bullying - Including Relational Bullying*
Equal power or friends.	Imbalance of power. Not friends or were friends and relational bullying now in place.
Happens occasionally.	Negative actions that are repeated or have the potential to be repeated.
Accidental.	Purposeful.
Not serious.	Serious with threat of physical or emotional harm.
Equal emotional reaction.	Strong emotional reaction or indication of impact and little or no emotional reaction from perpetrator.
Not seeking power or attention.	Attempt to gain power, dominance, control, and social status/power.
Not trying to get something.	May attempt to gain material things.
Remorse-will take responsibility.	No remorse-typically blames the target.
Effort to solve the problem.	No or little effort to SOLVE the problem.



**\*Relational Bullying** is social manipulation with the intent to hurt peers or sabotage social standing, and includes ostracizing others from a group, spreading rumors, manipulating situations, breaking confidences, excluding or alienating others, and other forms of public humiliation.

Remember power imbalances can happen within friend groups. It is critical to get more information before you assume it is a conflict. This protects kids who are being bullied and will be exposed to more abuse when brought together with those who are bullying them. Types of bullying can be physical, verbal, cyberbullying, relational and damage to personal property.

## Contacts:

- Bullying and Harassment - Kay Augustine ([kay.augustine@iowa.gov](mailto:kay.augustine@iowa.gov); 515-326-5620)
- Open Enrollment - Sara Nickel ([sara.nickel@iowa.gov](mailto:sara.nickel@iowa.gov); 515-971-7558)
- Home Schooling (Private Instruction) - Buffy Campbell ([buffy.campbell@iowa.gov](mailto:buffy.campbell@iowa.gov); 515-954-8651)
- Iowa Board of Educational Examiners [Complaints](#)

## Training for Educators

[AEA Online Learning - Bullying/Harassment Prevention and Intervention - Foundations](#)