

A-Engrossed
House Bill 2599

Ordered by the House March 19
Including House Amendments dated March 19

Sponsored by COMMITTEE ON EDUCATION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires school districts to include specified elements in policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying. [*Requires school districts to provide to Department of Education data related to acts of harassment, intimidation or bullying or acts of cyberbullying.*] Considers school district to be nonstandard if school district does not comply with requirements.

Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to hostile educational environments; creating new provisions; amending ORS 339.351,
3 339.356 and 339.359; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 339.351 is amended to read:

6 339.351. As used in ORS 339.351 to 339.364:

7 (1) "Cyberbullying" means the use of any electronic communication device to harass, intimidate
8 or bully.

9 (2) "Harassment, intimidation or bullying" means any act that:

10 (a) Substantially interferes with a student's educational benefits, opportunities or performance;
11 [*that*]

12 (b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity,
13 on school-provided transportation or at any official school bus stop[*and that*];

14 (c) Has the effect of:

15 [(a)] (A) Physically harming a student or damaging a student's property;

16 [(b)] (B) Knowingly placing a student in reasonable fear of physical harm to the student or
17 damage to the student's property; or

18 [(c)] (C) Creating a hostile educational environment, **including interfering with the psycho-**
19 **logical well-being of a student; and[.]**

20 (d) **May be based on, but not be limited to, the protected class status of a person.**

21 (3) "Protected class" means a group of persons distinguished, or perceived to be distin-
22 guished, by race, color, religion, sex, sexual orientation, national origin, marital status,
23 familial status, source of income or disability.

24 **SECTION 2.** ORS 339.356 is amended to read:

25 339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or
26 bullying and prohibiting cyberbullying. School districts are encouraged to develop the policy after

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 consultation with parents, *[and]* guardians, school employees, volunteers, students, administrators
2 and community representatives.

3 (2) School districts *[are encouraged to]* **must** include in the policy:

4 (a) A statement prohibiting harassment, intimidation or bullying and prohibiting
5 cyberbullying[;].

6 (b) Definitions of “harassment,” “intimidation” or “bullying” and of “cyberbullying” that are
7 consistent with ORS 339.351[;].

8 (c) **Definitions of “protected class” that are consistent with ORS 174.100 and 339.351.**

9 (d) **A statement of the scope of the policy, including a notice that the policy applies to
10 behavior at school-sponsored activities, on school-provided transportation and at any official
11 school bus stop.**

12 *[(c)]* (e) A description of the type of behavior expected from each student[;].

13 *[(d)]* (f) A statement of the consequences and appropriate remedial action for a person who
14 commits an act of harassment, intimidation or bullying or an act of cyberbullying[;].

15 *[(e)]* (g) A procedure **that is uniform throughout the school district** for reporting an act of
16 harassment, intimidation or bullying or an act of cyberbullying[, *including a provision that permits*].
17 **A procedure established under this paragraph shall identify by job title the school officials
18 responsible for receiving such a report at a school and shall allow a person to report an act
19 of harassment, intimidation or bullying or an act of cyberbullying anonymously. Nothing in this
20 paragraph may be construed to permit formal disciplinary action solely on the basis of an anony-
21 mous report[;].**

22 *[(f)]* (h) A procedure **that is uniform throughout the school district** for prompt investigation
23 of a report of an act of harassment, intimidation or bullying or an act of cyberbullying[;]. **A pro-
24 cedure established under this paragraph shall identify by job title the school officials re-
25 sponsible for investigating such a report.**

26 (i) **A procedure by which a person may request a school district to review the actions of
27 a school in responding to a report of an act of harassment, intimidation or bullying or an
28 act of cyberbullying or investigating such a report.**

29 *[(g)]* (j) A statement of the manner in which **a school and** a school district will respond after
30 an act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated
31 and confirmed[;].

32 *[(h)]* (k) A statement of the consequences and appropriate remedial action for a person found
33 to have committed an act of harassment, intimidation or bullying or an act of cyberbullying[;].

34 *[(i)]* (L) A statement prohibiting reprisal or retaliation against any person who reports an act
35 of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and
36 appropriate remedial action for a person who engages in such reprisal or retaliation[;].

37 *[(j)]* (m) A statement of the consequences and appropriate remedial action for a person found
38 to have falsely accused another of having committed an act of harassment, intimidation or bullying
39 or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimid-
40 ation or bullying or as a means of cyberbullying[;].

41 *[(k)]* (n) A statement of how the policy is to be publicized within the district[, *including a notice
42 that the policy applies to behavior at school-sponsored activities; and*]. **At a minimum, a school
43 district shall make the policy:**

44 (A) **Annually available to parents, guardians, school employees and students in a student
45 or employee handbook; and**

1 **(B) Readily available to parents, guardians, school employees, volunteers, students, ad-**
2 **ministrators and community representatives at each school office or at the school district**
3 **office and, if available, on the website for a school or the school district.**

4 [(L)] (o) The identification by job title of school officials **and school district officials** respon-
5 sible for ensuring that policy is implemented.

6 **(3) A school district that does not comply with the requirements of this section is con-**
7 **sidered nonstandard under ORS 327.103.**

8 **SECTION 3.** ORS 339.359 is amended to read:

9 339.359. **(1) School districts are encouraged to incorporate into existing training programs**
10 **for students and school employees information related to the prevention of, and the appro-**
11 **priate response to, acts of harassment, intimidation and bullying and acts of cyberbullying.**

12 **(2)** School districts are encouraged to form task forces[,] **and to implement** programs and other
13 initiatives that are aimed at the prevention of, **and the appropriate response to, acts of**
14 harassment, intimidation or bullying and **acts** of cyberbullying and that involve school employees,
15 students, administrators, volunteers, parents, guardians, law enforcement and community represen-
16 tatives.

17 **SECTION 4.** **The amendments to ORS 339.351, 339.356 and 339.359 by sections 1 to 3 of this**
18 **2009 Act first apply to the 2009-2010 school year.**

19 **SECTION 5.** **This 2009 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
21 **July 1, 2009.**

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