

# House Bill 2599

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 **as introduced**.

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

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

30 (a) A statement prohibiting harassment, intimidation or bullying and prohibiting

**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 cyberbullying[;].

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

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

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

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

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

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

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

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

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

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

30 (L) **A statement that provides information about how a person who is from a protected  
31 class may file a complaint under ORS 659.860 or ORS chapter 659A. The statement required  
32 under this paragraph also must be provided to a person at the time the school first discovers  
33 that the person may have experienced an act of harassment, intimidation or bullying or an  
34 act of cyberbullying.**

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

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

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

45 (A) **Annually available to parents, guardians, school employees and students in a student**

1 or employee handbook; and

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

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

7 (3)(a) Annually, a school district shall provide to the Department of Education data on:

8 (A) The number of reports relating to an act of harassment, intimidation or bullying or  
9 an act of cyberbullying filed with each school of the school district.

10 (B) The number of reports investigated, and the number of substantiated incidents.

11 (C) The number of acts of harassment, intimidation or bullying or acts of cyberbullying  
12 that were determined to be based on the protected class status of a person.

13 (D) Any other information required by the department.

14 (b) The Superintendent of Public Instruction shall include information received under  
15 this subsection in the annual school district and school performance reports produced by the  
16 superintendent under ORS 329.105.

17 (4) A school district that does not comply with the requirements of this section is con-  
18 sidered nonstandard under ORS 327.103.

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

20 339.359. (1) School districts shall provide training programs to students and school em-  
21 ployees related to the prevention of, and the appropriate response to, acts of harassment,  
22 intimidation and bullying and acts of cyberbullying.

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

28 **SECTION 4.** The amendments to ORS 339.351, 339.356 and 339.359 by sections 1 to 3 of this  
29 2009 Act first apply to the 2009-2010 school year.

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