

House Bill 2814

Sponsored by Representative PARRISH

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 district policy on harassment, intimidation, bullying and cyberbullying to provide that notice will be given to Teacher Standards and Practices Commission if person found to have committed act of harassment, intimidation, bullying or cyberbullying is coach who is licensed or registered by commission. Allows commission to take disciplinary action when commission receives notice.

A BILL FOR AN ACT

1
2 Relating to discipline of coaches; creating new provisions; and amending ORS 339.351, 339.356 and
3 342.175.

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) **“Coach” means a person who instructs or trains members on a school athletic team,**
8 **as identified by criteria established by the State Board of Education.**

9 [(1)] (2) “Cyberbullying” means the use of any electronic communication device to harass, in-
10 timidate or bully.

11 [(2)] (3) “Harassment, intimidation or bullying” means any act that:

12 (a) Substantially interferes with a student's educational benefits, opportunities or performance;

13 (b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity,
14 on school-provided transportation or at any official school bus stop;

15 (c) Has the effect of:

16 (A) Physically harming a student or damaging a student's property;

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

19 (C) Creating a hostile educational environment, including interfering with the psychological
20 well-being of a student; and

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

22 [(3)] (4) “Protected class” means a group of persons distinguished, or perceived to be distin-
23 guished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial
24 status, source of income or disability.

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

26 339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or
27 bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation
28 with parents, guardians, school employees, volunteers, students, administrators and community rep-
29 resentatives.

30 (2) School districts must include in the policy:

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 (a) A statement prohibiting harassment, intimidation or bullying and prohibiting 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 behavior
- 6 at school-sponsored activities, on school-provided transportation and at any official school bus stop.
- 7 (e) A description of the type of behavior expected from each student.
- 8 (f) A procedure that is uniform throughout the school district for reporting an act of harassment,
- 9 intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph
- 10 shall:
 - 11 (A) Identify by job title the school officials responsible for receiving such a report at a school.
 - 12 (B) Require a school employee to report an act of harassment, intimidation or bullying or an act
 - 13 of cyberbullying to a person identified under subparagraph (A) of this paragraph.
 - 14 (C) Identify any remedial action that may be imposed on a school employee for failure to make
 - 15 a report as required by subparagraph (B) of this paragraph.
 - 16 (D) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an
 - 17 act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of
 - 18 this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on
 - 19 the basis of an anonymous report.
 - 20 (g) A procedure that is uniform throughout the school district for prompt investigation of a re-
 - 21 port of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure es-
 - 22 tablished under this paragraph shall identify by job title the school officials responsible for
 - 23 investigating such a report.
 - 24 (h) A procedure by which a person may request a school district to review the actions of a
 - 25 school in responding to a report of an act of harassment, intimidation or bullying or an act of
 - 26 cyberbullying or investigating such a report.
 - 27 (i) A statement of the manner in which a school and a school district will respond after an act
 - 28 of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and
 - 29 confirmed.
 - 30 (j) A statement of the consequences and appropriate remedial action for a person found to have
 - 31 committed an act of harassment, intimidation or bullying or an act of cyberbullying. **If the person**
 - 32 **found to have committed an act of harassment, intimidation or bullying or an act of**
 - 33 **cyberbullying is a coach who is licensed or registered by the Teacher Standards and Practices**
 - 34 **Commission, the consequences and remedial action must include notification to the com-**
 - 35 **mission for possible disciplinary action under ORS 342.175.**
 - 36 (k) A statement prohibiting reprisal or retaliation against any person who reports an act of
 - 37 harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and
 - 38 appropriate remedial action for a person who engages in such reprisal or retaliation.
 - 39 (L) A statement of the consequences and appropriate remedial action for a person found to have
 - 40 falsely accused another of having committed an act of harassment, intimidation or bullying or an
 - 41 act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation
 - 42 or bullying or as a means of cyberbullying.
 - 43 (m) A statement of how the policy is to be publicized within the district. 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 or

1 employee handbook; and

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

5 (n) The identification by job title of school officials and school district officials responsible for
 6 ensuring that the policy is implemented.

7 (3) A school district that does not comply with the requirements of this section is considered
 8 nonstandard under ORS 327.103.

9 **SECTION 3.** ORS 342.175 is amended to read:

10 342.175. (1) The Teacher Standards and Practices Commission may suspend or revoke the license
 11 or registration of a teacher or administrator, discipline a teacher or administrator or suspend or
 12 revoke the right of any person to apply for a license or registration if the licensee, registrant or
 13 applicant has held a license or registration at any time within five years prior to issuance of the
 14 notice of charges under ORS 342.176 based on the following:

15 (a) Conviction of a crime not listed in ORS 342.143 (3);

16 (b) Gross neglect of duty;

17 (c) Any gross unfitness, **which includes a finding that the person is a coach who committed**
 18 **an act of harassment, intimidation or bullying or an act of cyberbullying under ORS 339.351**
 19 **to 339.364;**

20 (d) Conviction of a crime for violating any law of this or any state or of the United States in-
 21 volving the illegal use, sale or possession of controlled substances;

22 (e) Any false statement knowingly made in an application for issuance, renewal or reinstatement
 23 of a license or registration; or

24 (f) Failure to comply with any condition of reinstatement under subsection (4) of this section or
 25 any condition of probation under ORS 342.177 (3)(b).

26 (2) If a person is enrolled in an approved teacher education institution or program under ORS
 27 342.147, the commission may issue a public reprimand or suspend or revoke the right to apply for
 28 a license or registration based on the following:

29 (a) Conviction of a crime listed in ORS 342.143 (3) or a crime described by the commission by
 30 rule;

31 (b) Conviction of a crime for violating any law of this or any state or of the United States in-
 32 volving the illegal use, sale or possession of controlled substances; or

33 (c) Any conduct that may cause the commission to suspend or revoke the license or registration
 34 of a teacher.

35 (3) The commission shall revoke any license or registration and shall revoke the right of any
 36 person to apply for a license or registration if the person has held a license or registration at any
 37 time and the holder or applicant has been convicted of any crime described in ORS 342.143 (3).

38 (4) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (5) of
 39 this section, any person whose license or registration has been suspended or revoked or whose
 40 privilege to apply for a license or registration has been revoked may apply to the commission for
 41 reinstatement of the license or registration after one year from the date of the suspension or revo-
 42 cation. The commission may require an applicant for reinstatement to furnish evidence satisfactory
 43 to the commission of good moral character, mental and physical health and such other evidence as
 44 the commission may consider necessary to establish the applicant's fitness. The commission may
 45 impose a probationary period and such conditions as it considers necessary upon approving an ap-

1 plication for reinstatement.

2 (5) The commission shall reconsider immediately a license or registration suspension or revoca-
3 tion or the situation of a person whose privilege to apply for a license or registration has been re-
4 voked, upon application therefor, when the license or registration suspension or revocation or the
5 privilege revocation is based on a criminal conviction that is reversed on appeal.

6 (6) Violation of rules adopted by the commission relating to competent and ethical performance
7 of professional duties shall be admissible as evidence of gross neglect of duty or gross unfitness.

8 (7) A copy of the record of conviction, certified to by the clerk of the court entering the con-
9 viction, shall be conclusive evidence of a conviction described in this section.

10 **SECTION 4. The amendments to ORS 339.356 and 342.175 by sections 2 and 3 of this 2015**
11 **Act apply to findings made on or after the effective date of this 2015 Act.**

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