

House Bill 3425

Sponsored by Representative DOHERTY; Representatives FREDERICK, GORSEK, KENY-GUYER, KOMP, MCLAIN, NOSSE, Senators GELSER, SHIELDS, STEINER HAYWARD

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 and Department of Education to provide information related to confirmed acts of harassment, intimidation or bullying, or acts of cyberbullying.

Declares emergency, effective July 1, 2015.

A BILL FOR AN ACT

1
2 Relating to hostile education environments; creating new provisions; amending ORS 339.356; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 339.356 is amended to read:

6 339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or
7 bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation
8 with parents, guardians, school employees, volunteers, students, administrators and community rep-
9 resentatives.

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

11 (a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

12 (b) Definitions of "harassment," "intimidation" or "bullying" and of "cyberbullying" that are
13 consistent with ORS 339.351.

14 (c) Definitions of "protected class" that are consistent with ORS 174.100 and 339.351.

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

17 (e) A description of the type of behavior expected from each student.

18 (f) A procedure that is uniform throughout the school district for reporting an act of harassment,
19 intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph
20 shall:

21 (A) Identify by job title the school officials responsible for receiving such a report at a school.

22 (B) Require a school employee to report an act of harassment, intimidation or bullying or an act
23 of cyberbullying to a person identified under subparagraph (A) of this paragraph.

24 (C) Identify any remedial action that may be imposed on a school employee for failure to make
25 a report as required by subparagraph (B) of this paragraph.

26 (D) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an
27 act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of
28 this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on
29 the basis of an anonymous report.

30 (g) A procedure that is uniform throughout the school district for prompt investigation of a re-

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 port of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure es-
 2 tablished under this paragraph shall identify by job title the school officials responsible for
 3 investigating such a report.

4 (h) A procedure by which a person may request a school district to review the actions of a
 5 school in responding to a report of an act of harassment, intimidation or bullying or an act of
 6 cyberbullying or investigating such a report.

7 (i) A statement of the manner in which a school and a school district will respond after an act
 8 of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and
 9 confirmed.

10 (j) A statement of the consequences and appropriate remedial action for a person found to have
 11 committed an act of harassment, intimidation or bullying or an act of cyberbullying.

12 (k) A statement prohibiting reprisal or retaliation against any person who reports an act of
 13 harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and
 14 appropriate remedial action for a person who engages in such reprisal or retaliation.

15 (L) A statement of the consequences and appropriate remedial action for a person found to have
 16 falsely accused another of having committed an act of harassment, intimidation or bullying or an
 17 act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimidation
 18 or bullying or as a means of cyberbullying.

19 (m) A statement of how the policy is to be publicized within the district. At a minimum, a school
 20 district shall make the policy:

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

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

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

28 **(3)(a) Each school district must annually report to the Department of Education all**
 29 **confirmed acts of harassment, intimidation or bullying, or acts of cyberbullying. The report**
 30 **must include demographic information of the person who committed the act, demographic**
 31 **information of the person who was the subject of the act and whether the act was based on**
 32 **a protected class.**

33 **(b) The department shall publish information received under paragraph (a) of this sub-**
 34 **section on the department's website.**

35 **(c) The State Board of Education shall prescribe by rule the form and information re-**
 36 **quired to be provided under this subsection.**

37 [(3)] (4) A school district that does not comply with the requirements of this section is consid-
 38 ered nonstandard under ORS 327.103.

39 **SECTION 2. The amendments to ORS 339.356 by section 1 of this 2015 Act apply to acts**
 40 **occurring on or after July 1, 2015.**

41 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
 42 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 43 **July 1, 2015.**