

House Bill 4024

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim 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**.

Directs State Board of Education to adopt by rule complaint process to report district policy in violation of state law prohibiting harassment, intimidation, bullying and cyberbullying.

Directs board to adopt rules relating to complaint investigation and standards to determine whether district policy prohibiting harassment, intimidation, bullying and cyberbullying complies with and is applied in accordance with state law.

Requires Department of Education to record number of complaints department receives.

Directs department to establish system to track number of reported incidences of harassment, intimidation, bullying or cyberbullying that occur in each school district.

Takes effect July 1, 2016.

A BILL FOR AN ACT

1
2 Relating to procedures related to hostile education environments; amending ORS 339.356 and
3 339.359; and prescribing an effective date.

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*]
12 cyberbullying.

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

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

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

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

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

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

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

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

27 (D) Allow a student or volunteer to report an act of harassment, intimidation, [or] bullying or

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 *[an act of]* cyberbullying voluntarily and anonymously to a person identified under subparagraph (A)
 2 of this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely
 3 on the basis of an anonymous report.

4 (g) A procedure that is uniform throughout the school district for prompt investigation of a re-
 5 port of an act of harassment, intimidation, *[or]* bullying or *[an act of]* cyberbullying. A procedure
 6 established under this paragraph shall identify by job title the school officials responsible for in-
 7 vestigating such a report.

8 (h) A procedure by which a person may request a school district to review the actions of a
 9 school in responding to a report of an act of harassment, intimidation, *[or]* bullying or *[an act of]*
 10 cyberbullying or investigating such a report.

11 (i) A statement of the manner in which a school and a school district will respond after an act
 12 of harassment, intimidation, *[or]* bullying or *[an act of]* cyberbullying is reported, investigated and
 13 confirmed.

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

16 (k) A statement prohibiting reprisal or retaliation against any person who reports an act of
 17 harassment, intimidation, *[or]* bullying or *[an act of]* cyberbullying and stating the consequences and
 18 appropriate remedial action for a person who engages in such reprisal or retaliation.

19 (L) A statement of the consequences and appropriate remedial action for a person found to have
 20 falsely accused another of having committed an act of harassment, intimidation, *[or]* bullying or *[an*
 21 *act of]* cyberbullying as a means of reprisal or retaliation[,] **or** as a means of harassment, intimid-
 22 ation, *[or]* bullying or *[as a means of]* cyberbullying.

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

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

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

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

32 **(o) A description of the complaint process established by the State Board of Education**
 33 **under subsection (3) of this section.**

34 **(3) The board shall adopt by rule a process for a student or other member of the public**
 35 **to submit to the Department of Education a complaint alleging that a district policy does**
 36 **not comply with or was applied in violation of the requirements of this section. The board**
 37 **shall include in the rules:**

38 **(a) Standards for determining whether a district policy complies with and was applied in**
 39 **accordance with the requirements of this section;**

40 **(b) A process for the department to review and investigate a complaint submitted under**
 41 **this section; and**

42 **(c) A requirement that, prior to submitting the complaint, the complainant notify the**
 43 **school where the reported act of harassment, intimidation, bullying or cyberbullying oc-**
 44 **curring and the school have the opportunity to follow district procedures relating to reported**
 45 **acts of harassment, intimidation, bullying or cyberbullying.**

1 **(4) The department shall record the total number of complaints the department receives**
2 **under this section and the subsequent disposition of each complaint. The department shall**
3 **maintain the record of complaint for a period of not less than seven years.**

4 [(3)] **(5) A school district that does not comply with the requirements of this section is consid-**
5 **ered nonstandard under ORS 327.103.**

6 **SECTION 2.** ORS 339.359 is amended to read:

7 339.359. (1) School districts must incorporate into existing training programs for students and
8 school employees information related to:

9 (a) The prevention of, and the appropriate response to, acts of harassment, intimidation, [*and*]
10 bullying and [*acts of*] cyberbullying; and

11 (b) The policy **and complaint process** adopted under ORS 339.356.

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 harassment,
14 intimidation, [*or*] bullying and [*acts of*] cyberbullying and that involve school employees, students,
15 administrators, volunteers, parents, guardians, law enforcement and community representatives.

16 **(3) The Department of Education shall develop and maintain a system to track the**
17 **number of reported discipline incidences related to acts of harassment, intimidation, bullying**
18 **or cyberbullying that occur in each school district.**

19 **(4) Consistent with the system established under subsection (3) of this section, each**
20 **school district shall compile data and report to the department:**

21 (a) **Each reported incident of harassment, intimidation, bullying or cyberbullying that**
22 **occurs on school grounds, at school-sponsored activities or on school-provided transportation**
23 **within the school district; and**

24 (b) **Demographic information regarding the student who was a victim of the act of**
25 **harassment, intimidation, bullying or cyberbullying including but not limited to:**

26 **(A) Age;**

27 **(B) Gender;**

28 **(C) Race;**

29 **(D) Actual or perceived sexual orientation or gender identity; and**

30 **(E) Actual or perceived physical, mental, intellectual or emotional disability.**

31 **SECTION 3.** **This 2016 Act takes effect July 1, 2016.**

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