

Requested by Representative DOHERTY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4024**

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating
2 new provisions;”.

3 Delete lines 5 through 27 and delete pages 2 and 3 and insert:

4 **“SECTION 1.** ORS 339.356 is amended to read:

5 “339.356. (1) Each school district shall adopt a policy prohibiting
6 harassment, intimidation or bullying and prohibiting cyberbullying. School
7 districts shall develop the policy after consultation with parents, guardians,
8 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
12 prohibiting cyberbullying.

13 “(b) Definitions of ‘harassment,’ ‘intimidation’ or ‘bullying’ and of
14 ‘cyberbullying’ that are consistent with ORS 339.351.

15 “(c) Definitions of ‘protected class’ that are consistent with ORS 174.100
16 and 339.351.

17 “(d) A statement of the scope of the policy, including a notice that the
18 policy applies to behavior **that takes place on or immediately adjacent**
19 **to school grounds**, at **any** school-sponsored [*activities*] **activity**, on school-
20 provided transportation [*and*] **or** at any official school bus stop.

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

1 “(f) A procedure that is uniform throughout the school district for re-
2 porting an act of harassment, intimidation or bullying or an act of
3 cyberbullying. A procedure established under this paragraph shall:

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

6 “(B) Require a school employee to report an act of harassment, intimid-
7 ation or bullying or an act of cyberbullying to a person identified under
8 subparagraph (A) of this paragraph.

9 “(C) Identify any remedial action that may be imposed on a school em-
10 ployee for failure to make a report as required by subparagraph (B) of this
11 paragraph.

12 “(D) Allow a student or volunteer to report an act of harassment, intimid-
13 ation or bullying or an act of cyberbullying voluntarily and anonymously
14 to a person identified under subparagraph (A) of this paragraph. Nothing in
15 this subparagraph may be construed to permit remedial action solely on the
16 basis of an anonymous report.

17 “(g) A procedure that is uniform throughout the school district for prompt
18 investigation of a report of an act of harassment, intimidation or bullying
19 or an act of cyberbullying. A procedure established under this paragraph
20 shall identify by job title the school officials responsible for investigating
21 such a report.

22 “(h) A procedure by which a person may request a school district to re-
23 view the actions of a school in responding to a report of an act of
24 harassment, intimidation or bullying or an act of cyberbullying or investi-
25 gating such a report.

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

29 “(j) A statement of the consequences and appropriate remedial action for
30 a person found to have committed an act of harassment, intimidation or

1 bullying or an act of cyberbullying.

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

6 “(L) A statement of the consequences and appropriate remedial action for
7 a person found to have falsely accused another of having committed an act
8 of harassment, intimidation or bullying or an act of cyberbullying as a means
9 of reprisal or retaliation, as a means of harassment, intimidation or bullying
10 or as a means of cyberbullying.

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

13 “(A) Annually available to parents, guardians, school employees and stu-
14 dents in a student or employee handbook; and

15 “(B) Readily available to parents, guardians, school employees, volun-
16 teers, students, administrators and community representatives at each school
17 office or at the school district office and, if available, on the website for a
18 school or the school district.

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

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

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

28 “**(a) Standards for the department to use in determining whether a**
29 **school district policy complies with and was applied in accordance with**
30 **the requirements of this section;**

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

3 **“(c) A requirement that, prior to submitting the complaint, the**
4 **complainant notify the school where the reported act of harassment,**
5 **intimidation or bullying or act of cyberbullying occurred.**

6 **“(d) A requirement that the department provide the school an op-**
7 **portunity to follow district procedures relating to reported acts of**
8 **harassment, intimidation or bullying or acts of cyberbullying before**
9 **the department takes any action with respect to the complaint.**

10 **“(4) The department shall record each complaint the department**
11 **receives under this section and the disposition of the complaint. The**
12 **department shall maintain the record of each complaint for a period**
13 **of not less than seven years from the receipt of the complaint.**

14 **“[(3)] (5) A school district that does not comply with the requirements**
15 **of this section is considered nonstandard under ORS 327.103.**

16 **“SECTION 2. ORS 339.359 is amended to read:**

17 **“339.359. (1) School districts must incorporate into existing training pro-**
18 **grams for students and school employees information related to:**

19 **“(a) The prevention of, and the appropriate response to, acts of**
20 **harassment, intimidation and bullying and acts of cyberbullying; and**

21 **“(b) The school district’s policy, and the Department of Education’s**
22 **complaint process, adopted under ORS 339.356.**

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

29 **“(3) The department shall develop and maintain a system to track:**

30 **“(a) The number of reports of acts of harassment, intimidation or**

1 **bullying or acts of cyberbullying received in each school district; and**

2 **“(b) The number of disciplinary actions taken in each school dis-**
3 **trict in response to the reports received.**

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

7 **“(a) Each report received regarding an act of harassment, intimid-**
8 **ation or bullying or of an act of cyberbullying that takes place on**
9 **or immediately adjacent to school grounds, at any school-sponsored**
10 **activity, on school-provided transportation or at any official school**
11 **bus stop; and**

12 **“(b) Information about the person against whom each act of**
13 **harassment, intimidation or bullying or act of cyberbullying was**
14 **committed, that relates to the likely motive for the act, including but**
15 **not limited to the person’s:**

16 **“(A) Race;**

17 **“(B) Color;**

18 **“(C) Religion;**

19 **“(D) Sex;**

20 **“(E) Sexual orientation;**

21 **“(F) National origin; and**

22 **“(G) Disability.**

23 **“SECTION 3. The amendments to ORS 339.359 by section 2 of this**
24 **2016 Act become operative on July 1, 2017.**

25 **“SECTION 4. This 2016 Act takes effect July 1, 2016.”.**

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