

House Bill 2649

Sponsored by Representative DOHERTY; Representative NOSSE (Pre-session filed.)

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 school 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 school district policy prohibiting harassment, intimidation, bullying and cyberbullying complies with and is applied in accordance with state law.

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

Declares emergency, effective July 1, 2017.

A BILL FOR AN ACT

1
2 Relating to procedures related to hostile education environments; creating new provisions; amending
3 ORS 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 339.356 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 **that takes place on or immediately adjacent to school grounds**, at **any** school-sponsored [*activ-*
17 *ities*] **activity**, on school-provided transportation [*and*] **or** 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 act
24 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 an
28 act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of

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 this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on
 2 the basis of an anonymous report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 **(c) A requirement that, prior to submitting the complaint, the complainant notify the**
 42 **school where the reported act of harassment, intimidation or bullying or act of cyberbullying**
 43 **occurred; and**

44 **(d) A requirement that the department provide the school an opportunity to follow dis-**
 45 **trict procedures relating to reported acts of harassment, intimidation or bullying or acts of**

1 **cyberbullying before the department takes any action with respect to the complaint.**

2 **(4) The department shall record each complaint the department receives under this sec-**
3 **tion and the disposition of the complaint. The department shall maintain the record of each**
4 **complaint for a period of not less than seven years from the receipt of the complaint.**

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

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

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

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

12 **(b) The school district's policy, and the Department of Education's complaint process,**
13 **adopted under ORS 339.356.**

14 **(2) School districts are encouraged to form task forces and to implement programs and other**
15 **initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment,**
16 **intimidation or bullying and acts of cyberbullying and that involve school employees, students, ad-**
17 **ministrators, volunteers, parents, guardians, law enforcement and community representatives.**

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

19 **(a) The number of reports of acts of harassment, intimidation or bullying or acts of**
20 **cyberbullying received in each school district; and**

21 **(b) The number of disciplinary actions taken in each school district in response to the**
22 **reports received.**

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

25 **(a) Each report received regarding an act of harassment, intimidation or bullying or re-**
26 **garding an act of cyberbullying that takes place on or immediately adjacent to school**
27 **grounds, at any school-sponsored activity, on school-provided transportation or at any offi-**
28 **cial school bus stop; and**

29 **(b) Information about the person against whom each act of harassment, intimidation or**
30 **bullying or act of cyberbullying was committed, that relates to the likely motive for the act,**
31 **including but not limited to the person's:**

32 **(A) Race;**

33 **(B) Color;**

34 **(C) Religion;**

35 **(D) Sex;**

36 **(E) Sexual orientation;**

37 **(F) National origin; and**

38 **(G) Disability.**

39 **SECTION 3. The amendments to ORS 339.359 by section 2 of this 2017 Act become oper-**
40 **ative on July 1, 2018.**

41 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**
42 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
43 **on July 1, 2017.**