House Bill 3057

Sponsored by Representatives SMITH G, GORSEK

**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.

Prohibits abusive conduct by parents or students toward school employees.

Takes effect July 1, 2020.

A BILL FOR AN ACT

Relating to conduct in schools; creating new provisions; amending ORS 339.329, 339.351, 339.353, 339.356, 339.359, 339.362 and 339.364; and prescribing an effective date.

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

SECTION 1. ORS 339.351 is amended to read:

339.351. As used in ORS 339.351 to 339.364:

(1) “Abusive conduct” means two or more acts that:

(a) Constitute verbal, nonverbal or physical conduct;

(b) Are conducted by a parent or student;

(c) Are directed toward a school employee; and

(d) Based on the severity, nature and frequency of occurrence, a reasonable person would determine are intended to cause intimidation, humiliation or unwarranted distress.

(2) “Bullying conduct” means an act of harassment, intimidation or bullying or an act of cyberbullying.

[(1)] (3) “Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully for harassment, intimidation or bullying.

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

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

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

(c) Has the effect of:

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

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

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

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

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

SECTION 2. ORS 339.353 is amended to read:

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.

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339.353. (1) The Legislative Assembly finds that:
(a) A safe and civil environment is necessary for students to learn and achieve high academic
standards and for educators to provide a quality educational experience.
(b) [Harassment, intimidation or bullying and cyberbullying] Bullying conduct and abusive
conduct, like other disruptive or violent behavior, are forms of conduct that [disrupts] disrupt a
student’s ability to learn and a school’s ability to educate its students in a safe environment.
(c) Students learn by example.
(2) The Legislative Assembly commends school administrators, faculty, staff and volunteers for
demonstrating appropriate behavior, treating others with civility and respect[,] and refusing to tol-
erate [harassment, intimidation or bullying and refusing to tolerate cyberbullying] bullying conduct
and abusive conduct.
SECTION 3. ORS 339.356 is amended to read:
339.356. (1) Each school district shall adopt a policy prohibiting [harassment, intimidation or
bullying and prohibiting cyberbullying] bullying conduct and abusive conduct. School districts
shall develop the policy after consultation with parents, guardians, school employees, volunteers,
students, administrators and community representatives.
(2) School districts must include in the policy:
(a) A statement prohibiting [harassment, intimidation or bullying and prohibiting cyberbullying]
bullying conduct and abusive conduct.
(b) Definitions of [“harassment,” “intimidation” or “bullying” and of “cyberbullying”] “bullying
conduct” and “abusive conduct” that are consistent with ORS 339.351.
(c) Definitions of “protected class” that are consistent with ORS 174.100 and 339.351.
(d) A statement of the scope of the policy, including a notice that the policy applies to behavior
at school-sponsored activities, on school-provided transportation and at any official school bus stop.
(e) A description of the type of behavior expected from each student and from parents inter-
acting with school employees.
(f) A procedure that is uniform throughout the school district for reporting [an act of harassment,
imintimidation or bullying or an act of cyberbullying] bullying conduct or abusive conduct. A proce-
dure established under this paragraph shall:
(A) Identify by job title the school officials responsible for receiving such a report at a school.
(B) Require a school employee to report [an act of harassment, intimidation or bullying or an act
of cyberbullying] bullying conduct or abusive conduct to a person identified under subparagraph
(A) of this paragraph.
(C) Identify any remedial action that may be imposed on a school employee for failure to make
a report as required by subparagraph (B) of this paragraph.
(D) Allow a student or volunteer to report [an act of harassment, intimidation or bullying or an
act of cyberbullying] bullying conduct or abusive conduct voluntarily and anonymously to a person
identified under subparagraph (A) of this paragraph. Nothing in this subparagraph may be construed
to permit remedial action solely on the basis of an anonymous report.
(g) A procedure that is uniform throughout the school district for prompt investigation of a re-
port of [an act of harassment, intimidation or bullying or an act of cyberbullying] bullying conduct
or abusive conduct. A procedure established under this paragraph shall identify by job title the
school officials responsible for investigating such a report.
(h) A procedure by which a person may request a school district to review the actions of a
school in responding to a report of [an act of harassment, intimidation or bullying or an act of
cyberbullying) bullying conduct or abusive conduct or investigating such a report.

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

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

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

(L) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying or an act of cyberbullying bullying conduct or abusive conduct as a means of reprise or retaliation, as a means of harassment, intimidation or bullying or as a means of committing bullying conduct or abusive conduct.

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

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

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

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

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

SECTION 4. ORS 339.359 is amended to read:

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

(a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying bullying conduct and abusive conduct; and

(b) The policy adopted under ORS 339.356.

(2) School districts are encouraged to form task forces and to implement programs and other initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying bullying conduct and abusive conduct and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

SECTION 5. ORS 339.362 is amended to read:

339.362. (1) A school employee, student or volunteer may not engage in reprise or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation or bullying or an act of cyberbullying bullying conduct or abusive conduct.

(2)(a) A school employee who witnesses or has reliable information that a student or another school employee has been subjected to an act of harassment, intimidation or bullying or an act of cyberbullying bullying conduct or abusive conduct must report the act to the appro-
priate school official designated by the school district's policy.

(b) A student or volunteer who witnesses or has reliable information that a student or school employee has been subjected to [an act of harassment, intimidation or bullying or an act of cyberbullying] bullying conduct or abusive conduct is encouraged to report the [act] conduct to the appropriate school official designated by the school district’s policy.

(3) A school employee who promptly reports [an act of harassment, intimidation or bullying or an act of cyberbullying] bullying conduct or abusive conduct to the appropriate school official in compliance with the procedures set forth in the school district’s policy is immune from a cause of action for damages arising from any failure to remedy the reported [act] conduct.

SECTION 6. ORS 339.364 is amended to read:

339.364. ORS 339.351 to 339.364 may not be interpreted to prevent a victim of harassment, intimidation or bullying or a victim of cyberbullying bullying conduct or abusive conduct from seeking redress under any other available law, whether civil or criminal. ORS 339.351 to 339.364 do not create any statutory cause of action.

SECTION 7. ORS 339.329 is amended to read:

339.329. (1) As used in this section:

(a) “Cyberbullying” and “harassment, intimidation or bullying” have the meanings given those terms in ORS 339.351.

(b) “Bullying conduct” has the meaning given that term in ORS 339.351.

(c) “Local law enforcement contact” means a local law enforcement officer designated by the Department of State Police to be notified when the tip line receives a report of a threat to student safety or potential threat to student safety.

(d) “Student” means a student of:

(A) A school district, as defined in ORS 332.002;
(B) A community college, as defined in ORS 341.005;
(C) A private school that provides educational services to kindergarten through grade 12 students;
(D) A career school, as defined in ORS 345.010; or
(E) A public university listed under ORS 352.002.

(e) “Threat to student safety” includes, but is not limited to, a threat or instance of:

[(A) Harassment, intimidation or bullying or cyberbullying;]

(A) Bullying conduct;
(B) Suicide or self-harm; and
(C) Violence against others.

(f) “Tip line” means a statewide resource designed to accept information concerning threats to student safety or potential threats to student safety through methods of transmission including:

(A) Telephone calls;
(B) Text messages; and

(C) Electronically through the Internet.

(2) The Department of State Police shall establish a statewide tip line for students and other members of the public to use to confidentially report information concerning threats to student safety or potential threats to student safety.

(3) In consultation with state and local government behavioral health care providers, the department shall adopt rules necessary to establish and operate the tip line. The rules must include, but are not limited to:

(a) Provisions that protect the identity of a person reporting information without compromising opportunities for follow-up contact from local law enforcement contacts or service providers to provide further information to or obtain further information from the person; and

(b) Written policies and procedures for:

(A) Logging reports received on the tip line;

(B) Verifying the authenticity and validity of a reported threat to student safety or potential threat to student safety;

(C) Relaying information concerning a threat to student safety or potential threat to student safety to local law enforcement contacts, service providers and appropriate education provider contacts;

(D) Connecting the tip line with other hotlines that are available for reports of violence or for crisis prevention; and

(E) Reporting for the purposes of tracking referrals to local law enforcement contacts and service providers resulting from information received on the tip line and tracking the outcome of any action taken in response to the referral.

(4) The department may seek and accept gifts, grants and donations from any source for the purpose of carrying out its duties under this section.

SECTION 8. (1) The amendments to ORS 339.356 and 339.362 by sections 3 and 5 of this 2019 Act apply to abusive conduct occurring on or after the effective date of this 2019 Act.

(2) The amendments to ORS 339.359 by section 4 of this 2019 Act apply to training programs and information provided on or after the effective date of this 2019 Act.

SECTION 9. This 2019 Act takes effect on July 1, 2020.