

# 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

1  
2 Relating to conduct in schools; creating new provisions; amending ORS 339.329, 339.351, 339.353,  
3 339.356, 339.359, 339.362 and 339.364; and prescribing an effective date.

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

5 **SECTION 1.** ORS 339.351 is amended to read:

6 339.351. As used in ORS 339.351 to 339.364:

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

8 (a) **Constitute verbal, nonverbal or physical conduct;**

9 (b) **Are conducted by a parent or student;**

10 (c) **Are directed toward a school employee; and**

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

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

15 [(1)] (3) **“Cyberbullying” means the use of any electronic communication device [to harass, in-**  
16 **timidate or bully] for harassment, intimidation or bullying.**

17 [(2)] (4) **“Harassment, intimidation or bullying” means any act that:**

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

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

21 (c) **Has the effect of:**

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

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

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

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

28 [(3)] (5) **“Protected class” means a group of persons distinguished, or perceived to be distin-**  
29 **guished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial**  
30 **status, source of income or disability.**

31 **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.

1 339.353. (1) The Legislative Assembly finds that:

2 (a) A safe and civil environment is necessary for students to learn and achieve high academic  
3 standards **and for educators to provide a quality educational experience.**

4 (b) [*Harassment, intimidation or bullying and cyberbullying*] **Bullying conduct and abusive**  
5 **conduct**, like other disruptive or violent behavior, are **forms of** conduct that [*disrupts*] **disrupt** a  
6 student's ability to learn and a school's ability to educate its students in a safe environment.

7 (c) Students learn by example.

8 (2) The Legislative Assembly commends school administrators, faculty, staff and volunteers for  
9 demonstrating appropriate behavior, treating others with civility and respect[,] **and** refusing to tol-  
10 erate [*harassment, intimidation or bullying and refusing to tolerate cyberbullying*] **bullying conduct**  
11 **and abusive conduct.**

12 **SECTION 3.** ORS 339.356 is amended to read:

13 339.356. (1) Each school district shall adopt a policy prohibiting [*harassment, intimidation or*  
14 *bullying and prohibiting cyberbullying*] **bullying conduct and abusive conduct.** School districts  
15 shall develop the policy after consultation with parents, guardians, school employees, volunteers,  
16 students, administrators and community representatives.

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

18 (a) A statement prohibiting [*harassment, intimidation or bullying and prohibiting cyberbullying*]  
19 **bullying conduct and abusive conduct.**

20 (b) Definitions of [*“harassment,” “intimidation” or “bullying” and of “cyberbullying”*] **“bullying**  
21 **conduct” and “abusive conduct”** that are consistent with ORS 339.351.

22 (c) Definitions of “protected class” that are consistent with ORS 174.100 and 339.351.

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

25 (e) A description of the type of behavior expected from each student **and from parents inter-**  
26 **acting with school employees.**

27 (f) A procedure that is uniform throughout the school district for reporting [*an act of harassment,*  
28 *intimidation or bullying or an act of cyberbullying*] **bullying conduct or abusive conduct.** A proce-  
29 dure established under this paragraph shall:

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

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

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

36 (D) Allow a student or volunteer to report [*an act of harassment, intimidation or bullying or an*  
37 *act of cyberbullying*] **bullying conduct or abusive conduct** voluntarily and anonymously to a person  
38 identified under subparagraph (A) of this paragraph. Nothing in this subparagraph may be construed  
39 to permit remedial action solely on the basis of an anonymous report.

40 (g) A procedure that is uniform throughout the school district for prompt investigation of a re-  
41 port of [*an act of harassment, intimidation or bullying or an act of cyberbullying*] **bullying conduct**  
42 **or abusive conduct.** A procedure established under this paragraph shall identify by job title the  
43 school officials responsible for investigating such a report.

44 (h) A procedure by which a person may request a school district to review the actions of a  
45 school in responding to a report of [*an act of harassment, intimidation or bullying or an act of*

1 *cyberbullying*] **bullying conduct or abusive conduct** or investigating such a report.

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

5 (j) A statement of the consequences and appropriate remedial action for a person found to have  
6 committed [*an act of harassment, intimidation or bullying or an act of cyberbullying*] **bullying con-**  
7 **duct or abusive conduct.**

8 (k) A statement prohibiting reprisal or retaliation against any person who reports [*an act of*  
9 *harassment, intimidation or bullying or an act of cyberbullying*] **bullying conduct or abusive con-**  
10 **duct** and stating the consequences and appropriate remedial action for a person who engages in  
11 such reprisal or retaliation.

12 (L) A statement of the consequences and appropriate remedial action for a person found to have  
13 falsely accused another of having committed [*an act of harassment, intimidation or bullying or an act*  
14 *of cyberbullying*] **bullying conduct or abusive conduct** as a means of reprisal or retaliation[, *as a*  
15 *means of harassment, intimidation or bullying or as a means of cyberbullying*] **or as a means of**  
16 **committing bullying conduct or abusive conduct.**

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

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

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

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

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

28 **SECTION 4.** ORS 339.359 is amended to read:

29 339.359. (1) School districts must incorporate into existing training programs for students and  
30 school employees information related to:

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

33 (b) The policy adopted under ORS 339.356.

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

39 **SECTION 5.** ORS 339.362 is amended to read:

40 339.362. (1) A school employee, student or volunteer may not engage in reprisal or retaliation  
41 against a victim of, witness to or person with reliable information about [*an act of harassment, in-*  
42 *timidation or bullying or an act of cyberbullying*] **bullying conduct or abusive conduct.**

43 (2)(a) A school employee who witnesses or has reliable information that a student **or another**  
44 **school employee** has been subjected to [*an act of harassment, intimidation or bullying or an act of*  
45 *cyberbullying*] **bullying conduct or abusive conduct** must report the [*act*] **conduct** to the appro-

1 puate school official designated by the school district's policy.

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

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

10 **SECTION 6.** ORS 339.364 is amended to read:

11 339.364. ORS 339.351 to 339.364 may not be interpreted to prevent a victim of [*harassment, in-*  
 12 *timidation or bullying or a victim of cyberbullying*] **bullying conduct or abusive conduct** from  
 13 seeking redress under any other available law, whether civil or criminal. ORS 339.351 to 339.364 do  
 14 not create any statutory cause of action.

15 **SECTION 7.** ORS 339.329 is amended to read:

16 339.329. (1) As used in this section:

17 [*(a) "Cyberbullying" and "harassment, intimidation or bullying" have the meanings given those*  
 18 *terms in ORS 339.351.*]

19 **(a) "Bullying conduct" has the meaning given that term in ORS 339.351.**

20 (b) "Local law enforcement contact" means a local law enforcement officer designated by the  
 21 Department of State Police to be notified when the tip line receives a report of a threat to student  
 22 safety or potential threat to student safety.

23 (c) "Service provider" means a person designated by the department to be notified when the tip  
 24 line receives a report of a threat to student safety or potential threat to student safety. "Service  
 25 provider" includes:

26 (A) A provider of behavioral health care or mental health care;

27 (B) A provider of school-based health care;

28 (C) A certificated school counselor;

29 (D) A clinical social worker licensed under ORS 675.530; or

30 (E) A professional counselor or a marriage and family therapist licensed under ORS 675.615.

31 (d) "Student" means a student of:

32 (A) A school district, as defined in ORS 332.002;

33 (B) A community college, as defined in ORS 341.005;

34 (C) A private school that provides educational services to kindergarten through grade 12 stu-  
 35 dents;

36 (D) A career school, as defined in ORS 345.010; or

37 (E) A public university listed under ORS 352.002.

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

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

40 **(A) Bullying conduct;**

41 (B) Suicide or self-harm; and

42 (C) Violence against others.

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

45 (A) Telephone calls;

- 1 (B) Text messages; and
- 2 (C) Electronically through the Internet.

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

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

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

12 (b) Written policies and procedures for:

13 (A) Logging reports received on the tip line;

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

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

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

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

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

26 **SECTION 8. (1) The amendments to ORS 339.356 and 339.362 by sections 3 and 5 of this**  
27 **2019 Act apply to abusive conduct occurring on or after the effective date of this 2019 Act.**

28 **(2) The amendments to ORS 339.359 by section 4 of this 2019 Act apply to training pro-**  
29 **grams and information provided on or after the effective date of this 2019 Act.**

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

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