

D R A F T

SUMMARY

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
3 ORS 339.356 and 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
7 harassment, intimidation, [*or*] bullying and [*prohibiting*] cyberbullying.
8 School districts shall develop the policy after consultation with parents,
9 guardians, school employees, volunteers, students, administrators and com-
10 munity representatives.

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

12 (a) A statement prohibiting harassment, intimidation, [*or*] bullying and
13 [*prohibiting*] cyberbullying.

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

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

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

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

9 (f) A procedure that is uniform throughout the school district for report-
10 ing an act of harassment, intimidation, [*or*] bullying or [*an act of*]
11 cyberbullying. A procedure established under this paragraph shall:

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

14 (B) Require a school employee to report an act of harassment, intimid-
15 ation, [*or*] bullying or [*an act of*] cyberbullying to a person identified under
16 subparagraph (A) of this paragraph.

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

20 (D) Allow a student or volunteer to report an act of harassment, intimid-
21 ation, [*or*] bullying or [*an act of*] cyberbullying voluntarily and
22 anonymously to a person identified under subparagraph (A) of this para-
23 graph. Nothing in this subparagraph may be construed to permit remedial
24 action solely on the basis of an anonymous report.

25 (g) A procedure that is uniform throughout the school district for prompt
26 investigation of a report of an act of harassment, intimidation, [*or*] bullying
27 or [*an act of*] cyberbullying. A procedure established under this paragraph
28 shall identify by job title the school officials responsible for investigating
29 such a report.

30 (h) A procedure by which a person may request a school district to review
31 the actions of a school in responding to a report of an act of harassment,

1 intimidation, [or] bullying or [an act of] cyberbullying or investigating such
2 a report.

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

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

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

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

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

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

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

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

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

30 **(3) The board shall adopt by rule a process for a student or other**
31 **member of the public to submit to the Department of Education a**

1 **complaint alleging that a district policy does not comply with or was**
2 **applied in violation of the requirements of this section. The board shall**
3 **include in the rules:**

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

7 (b) **A process for the department to review and investigate a com-**
8 **plaint submitted under this section; and**

9 (c) **A requirement that, prior to submitting the complaint, the**
10 **complainant notify the school where the reported act of harassment,**
11 **intimidation, bullying or cyberbullying occurred and the school have**
12 **the opportunity to follow district procedures relating to reported acts**
13 **of harassment, intimidation, bullying or cyberbullying.**

14 (4) **The department shall record the total number of complaints the**
15 **department receives under this section and the subsequent disposition**
16 **of each complaint. The department shall maintain the record of com-**
17 **plaint for a period of not less than seven years.**

18 [(3)] (5) A school district that does not comply with the requirements of
19 this section is considered nonstandard under ORS 327.103.

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

21 339.359. (1) School districts must incorporate into existing training pro-
22 grams for students and school employees information related to:

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

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

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

1 **(3) The Department of Education shall develop and maintain a sys-**
2 **tem to track the number of reported discipline incidences related to**
3 **acts of harassment, intimidation, bullying or cyberbullying that occur**
4 **in each school district.**

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

8 **(a) Each reported incident of harassment, intimidation, bullying or**
9 **cyberbullying that occurs on school grounds, at school-sponsored ac-**
10 **tivities or on school-provided transportation within the school district;**
11 **and**

12 **(b) Demographic information regarding the student who was a vic-**
13 **tim of the act of harassment, intimidation, bullying or cyberbullying**
14 **including but not limited to:**

15 **(A) Age;**

16 **(B) Gender;**

17 **(C) Race;**

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

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

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

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