

# Enrolled House Bill 2599

Sponsored by COMMITTEE ON EDUCATION

CHAPTER .....

AN ACT

Relating to hostile educational environments; creating new provisions; amending ORS 339.351, 339.356 and 339.359; and declaring an emergency.

**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) "Cyberbullying" means the use of any electronic communication device to harass, intimidate or bully.

(2) "Harassment, intimidation or bullying" means any act that:

(a) Substantially interferes with a student's educational benefits, opportunities or performance; [ *that* ]

(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, *and that*;

(c) Has the effect of:

[*a*] (A) Physically harming a student or damaging a student's property;

[*b*] (B) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or

[*c*] (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) **"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 339.356 is amended to read:

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

(2) School districts [*are encouraged to*] **must** include in the policy:

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

(b) Definitions of "harassment," "intimidation" or "bullying" and of "cyberbullying" 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.**

[(c)] **(e)** A description of the type of behavior expected from each student[;].

[(d)] **(f)** A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying or an act of cyberbullying[;].

[(e)] **(g)** A procedure **that is uniform throughout the school district** for reporting an act of harassment, intimidation or bullying or an act of cyberbullying[, *including a provision that permits*]. **A procedure established under this paragraph shall identify by job title the school officials responsible for receiving such a report at a school and shall allow a person to report an act of harassment, intimidation or bullying or an act of cyberbullying anonymously.** Nothing in this paragraph may be construed to permit formal disciplinary action solely on the basis of an anonymous report[;].

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

**(i) 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 or investigating such a report.**

[(g)] **(j)** 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 is reported, investigated and confirmed[;].

[(h)] **(k)** 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[;].

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

[(j)] **(m)** 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 as a means of reprisal or retaliation, as a means of harassment, intimidation or bullying or as a means of cyberbullying[;].

[(k)] **(n)** A statement of how the policy is to be publicized within the district[, *including a notice that the policy applies to behavior at school-sponsored activities; and*]. **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.**

[(L)] **(o)** The identification by job title of school officials **and school district officials** responsible for ensuring that 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 3.** ORS 339.359 is amended to read:

339.359. **(1) School districts are encouraged to incorporate into existing training programs for students and school employees information related to the prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying.**

**(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 and that involve school employees,**

students, administrators, volunteers, parents, guardians, law enforcement and community representatives.

**SECTION 4. The amendments to ORS 339.351, 339.356 and 339.359 by sections 1 to 3 of this 2009 Act first apply to the 2009-2010 school year.**

**SECTION 5. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.**

**Passed by House March 25, 2009**

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Chief Clerk of House

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Speaker of House

**Passed by Senate May 27, 2009**

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President of Senate

**Received by Governor:**

.....M.,....., 2009

**Approved:**

.....M.,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2009

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Secretary of State