

House Bill 3032

Sponsored by Representatives DRAZAN, BOLES; Representatives BONHAM, MCLAIN, Senator KNOPP

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**.

Prescribes notification requirements for school district upon receipt of report of act of harassment, intimidation, bullying or cyberbullying and upon completion of investigation into report. Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to procedures for hostile educational environments; amending ORS 339.356; and declaring
3 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 at school-sponsored activities, on school-provided transportation and at any official school bus stop.

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

18 (f) A procedure that is uniform throughout the school district for reporting an act of harassment,
19 intimidation or bullying or an act of cyberbullying. A procedure established under this paragraph
20 shall:

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

22 (B) Require a school employee to report an act of harassment, intimidation or bullying or an act
23 of cyberbullying to a person identified under subparagraph (A) of this paragraph.

24 **(C) Require a school official identified under subparagraph (A) of this paragraph to notify**
25 **the parents or legal guardians of a student who, based on a report submitted to the person,**
26 **may have been subjected to an act of harassment, intimidation or bullying, as follows:**

27 **(i) Immediately, if the act physically harmed the student; or**

28 **(ii) Within a reasonable period of time, if the act did not physically harm the student.**

29 [(C)] **(D)** Identify any remedial action that may be imposed on a school employee for failure to
30 make a report as required by subparagraph (B) of this paragraph.

31 [(D)] **(E)** Allow a student or volunteer to report an act of harassment, intimidation or bullying

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 or an act of cyberbullying voluntarily and anonymously to a person identified under subparagraph
 2 (A) of this paragraph. Nothing in this subparagraph may be construed to permit remedial action
 3 solely on the basis of an anonymous report.

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

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

11 (i) A statement of the manner in which a school and a school district will respond after an act
 12 of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and, if
 13 **applicable, confirmed, including notification of the results of the investigation and the pro-
 14 vision of a description of mental health resources available to:**

15 **(A) The student and the parents or legal guardians of the student who was subjected to
 16 the act of harassment, intimidation or bullying or the act of cyberbullying; and**

17 **(B) The student and the parents or legal guardians of the student who was accused of
 18 committing the act of harassment, intimidation or bullying or the act of cyberbullying.**

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

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

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

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

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

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

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

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

39 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public
 40 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
 41 July 1, 2019.**