

House Bill 3050

Sponsored by Representatives BOLES, DRAZAN; Representatives BOSHART DAVIS, FINDLEY, LEIF, LEWIS, NEARMAN, POST, RESCHKE, SMITH DB, SMITH G, ZIKA

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**.

Allows student subjected to substantiated act of harassment, intimidation, bullying or cyberbullying to request transfer to another school. Requires school district to grant transfer to another school in school district or to provide written consent to attend school in another school district. Requires school district to provide transportation for student who transfers schools.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to requests for school transfers; creating new provisions; amending ORS 339.356; and de-
3 claring an emergency.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 339.351 to**
6 **339.364.**

7 **SECTION 2. (1) If a report of an act of harassment, intimidation or bullying or act of**
8 **cyberbullying has been substantiated following an investigation by a school district, the stu-**
9 **dent who was subjected to the act of harassment, intimidation or bullying or act of**
10 **cyberbullying may request the school district to approve the transfer of the student to an-**
11 **other school as provided by this section.**

12 **(2) Upon receiving a request from a student for a transfer to another school:**

13 **(a) The school district shall approve the transfer if the school district has another school**
14 **in the school district to which the student may transfer.**

15 **(b) The school district shall provide written consent for the purposes of ORS 339.133 (5)(a)**
16 **to the student to attend school in another school district if the school district does not have**
17 **another school in the school district to which the student may transfer.**

18 **(3) A school district shall provide transportation for a student who transfers schools as**
19 **provided under this section.**

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

21 339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or
22 bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation
23 with parents, guardians, school employees, volunteers, students, administrators and community rep-
24 resentatives.

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

26 (a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

27 (b) Definitions of "harassment," "intimidation" or "bullying" and of "cyberbullying" that are
28 consistent with ORS 339.351.

29 (c) Definitions of "protected class" that are consistent with ORS 174.100 and 339.351.

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

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

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

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

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

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

12 (D) Allow a student or volunteer to report an act of harassment, intimidation or bullying or an
 13 act of cyberbullying voluntarily and anonymously to a person identified under subparagraph (A) of
 14 this paragraph. Nothing in this subparagraph may be construed to permit remedial action solely on
 15 the basis of an anonymous report.

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

20 **(h) A procedure by which a student may request a transfer to another school as provided**
 21 **by section 2 of this 2019 Act upon the finding that a report of an act of harassment, intimid-**
 22 **ation or bullying or act of cyberbullying has been substantiated.**

23 [(h)] (i) A procedure by which a person may request a school district to review the actions of
 24 a school in responding to a report of an act of harassment, intimidation or bullying or an act of
 25 cyberbullying or investigating such a report.

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

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

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

34 [(L)] (m) A statement of the consequences and appropriate remedial action for a person found
 35 to have falsely accused another of having committed an act of harassment, intimidation or bullying
 36 or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimid-
 37 ation or bullying or as a means of cyberbullying.

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

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

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

45 [(n)] (o) The identification by job title of school officials and school district officials responsible

1 for ensuring that the policy is implemented.

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

4 **SECTION 4. This 2019 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
6 **July 1, 2019.**

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