

A-Engrossed
House Bill 4139

Ordered by the House February 17
Including House Amendments dated February 17

Sponsored by Representative DRAZAN, Senator BOLES; Representatives BARRETO, BONHAM, HELT, LEIF, MCLAIN, MEEK, MITCHELL, MOORE-GREEN, RESCHKE, Senator KNOPP (Presession filed.)

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.

Prescribes notification requirements for school district upon receipt of report of act of harassment, intimidation, bullying or cyberbullying.
Takes effect July 1, 2020.

A BILL FOR AN ACT

1
2 Relating to procedures for hostile educational environments; creating new provisions; amending ORS
3 339.356; 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 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 person identified under subparagraph (A) of this paragraph to notify the**
25 **parents or guardians of a student who was subjected to an act of harassment, intimidation**
26 **or bullying or an act of cyberbullying. For the purpose of this subparagraph:**

27 **(i) Notification must occur:**

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 (I) Within a reasonable period of time; or

2 (II) Promptly, for acts that caused physical harm to the student.

3 (ii) A student may request that notification not be provided to the parents or guardians
4 of the student.

5 (iii) Notification may not be provided to the parents or guardians of the student if the
6 student has requested notification not be provided unless the student later agrees to the
7 notification.

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

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

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

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

21 (i) A statement of the manner in which a school and a school district will respond after an act
22 of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and, if
23 **applicable**, confirmed.

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

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

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

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

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

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

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

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

44 **SECTION 2. The amendments to ORS 339.356 by section 1 of this 2020 Act apply to acts**
45 **of harassment, intimidation or bullying or acts of cyberbullying that occur on or after the**

1 **effective date of this 2020 Act.**

2 **SECTION 3. This 2020 Act takes effect on July 1, 2020.**

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