

HOUSE AMENDMENTS TO HOUSE BILL 2631

By COMMITTEE ON EDUCATION

April 2

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 40 and insert:

3 **“SECTION 1.** ORS 339.356 is amended to read:

4 **“339.356. (1)** Each school district shall adopt a policy prohibiting harassment, intimidation or
5 bullying and prohibiting cyberbullying. School districts shall develop the policy after consultation
6 with parents, guardians, school employees, volunteers, students, administrators and community rep-
7 resentatives.

8 **“(2)** School districts must include in the policy:

9 **“(a)** A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

10 **“(b)** Definitions of ‘harassment,’ ‘intimidation’ or ‘bullying’ and of ‘cyberbullying’ that are con-
11 sistent with ORS 339.351.

12 **“(c)** Definitions of ‘protected class’ that are consistent with ORS 174.100 and 339.351.

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

15 **“(e)** A description of the type of behavior expected from each student.

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

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

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

22 **“(C) Require the school official identified under subparagraph (A) of this paragraph to**
23 **notify the parents or guardians of a student who was subjected to an act of harassment, in-**
24 **timidation or bullying or an act of cyberbullying and the parents or guardians of a student**
25 **who may have conducted an act of harassment, intimidation or bullying or an act of**
26 **cyberbullying. Notification must occur with involvement and consideration of the needs and**
27 **concerns of the student who was subjected to an act of harassment, intimidation or bullying**
28 **or an act of cyberbullying. For the purposes of this subparagraph:**

29 **“(i) Notification is not required under this subparagraph if the school official reasonably**
30 **believes notification could endanger the student who was subjected to an act of harassment,**
31 **intimidation or bullying or an act of cyberbullying or if all of the following occur:**

32 **“(I) The student who was subjected to an act of harassment, intimidation or bullying or**
33 **an act of cyberbullying requests that notification not be provided to the student’s parents**
34 **or guardians;**

35 **“(II) The school official determines that notification is not in the best interest of the**

1 student who was subjected to an act of harassment, intimidation or bullying or an act of
2 cyberbullying; and

3 “(III) The school official informs the student that federal law may require the student’s
4 parents or guardians to have access to the student’s education record, including any re-
5 quests made as provided by this sub-subparagraph.

6 “(ii) If the school official does not make the determination described in sub-subparagraph
7 (i)(II) of this subparagraph, the school official must inform the student of that determination
8 prior to providing notification.

9 “(iii) When notification is provided under this subparagraph, the notification must occur:

10 “(I) Within a reasonable period of time; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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