

HB 2631-2
(LC 1226)
3/30/21 (HRL/ps)

Requested by HOUSE COMMITTEE ON EDUCATION (at the request of Representative Christine Drazan)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2631**

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
5 harassment, intimidation or bullying and prohibiting cyberbullying. School
6 districts shall develop the policy after consultation with parents, guardians,
7 school employees, volunteers, students, administrators and community rep-
8 resentatives.

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

10 “(a) A statement prohibiting harassment, intimidation or bullying and
11 prohibiting cyberbullying.

12 “(b) Definitions of ‘harassment,’ ‘intimidation’ or ‘bullying’ and of
13 ‘cyberbullying’ that are consistent with ORS 339.351.

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

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

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

20 “(f) A procedure that is uniform throughout the school district for re-
21 porting an act of harassment, intimidation or bullying or an act of

1 cyberbullying. A procedure established under this paragraph shall:

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

4 “(B) Require a school employee to report an act of harassment, intimid-
5 idation or bullying or an act of cyberbullying to a person identified under
6 subparagraph (A) of this paragraph.

7 **“(C) Require the school official identified under subparagraph (A)**
8 **of this paragraph to notify the parents or guardians of a student who**
9 **was subjected to an act of harassment, intimidation or bullying or an**
10 **act of cyberbullying and the parents or guardians of a student who**
11 **may have conducted an act of harassment, intimidation or bullying**
12 **or an act of cyberbullying. Notification must occur with involvement**
13 **and consideration of the needs and concerns of the student who was**
14 **subjected to an act of harassment, intimidation or bullying or an act**
15 **of cyberbullying. For the purposes of this subparagraph:**

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

20 **“(I) The student who was subjected to an act of harassment, in-**
21 **timidation or bullying or an act of cyberbullying requests that notifi-**
22 **cation not be provided to the student’s parents or guardians;**

23 **“(II) The school official determines that notification is not in the**
24 **best interest of the student who was subjected to an act of**
25 **harassment, intimidation or bullying or an act of cyberbullying; and**

26 **“(III) The school official informs the student that federal law may**
27 **require the student’s parents or guardians to have access to the**
28 **student’s education record, including any requests made as provided**
29 **by this sub-subparagraph.**

30 **“(ii) If the school official does not make the determination de-**

1 **scribed in sub-subparagraph (i)(II) of this subparagraph, the school**
2 **official must inform the student of that determination prior to pro-**
3 **viding notification.**

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

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

7 **“(II) Promptly, for acts that caused physical harm to the student**
8 **or may cause harm to the mental health of the student.**

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

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

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

22 **“(h) A procedure by which a person may request a school district to re-**
23 **view the actions of a school in responding to a report of an act of**
24 **harassment, intimidation or bullying or an act of cyberbullying or investi-**
25 **gating such a report.**

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

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

1 bullying or an act of cyberbullying.

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

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

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

13 “(A) Annually available to parents, guardians, school employees and stu-
14 dents in a student or employee handbook; and

15 “(B) Readily available to parents, guardians, school employees, volun-
16 teers, students, administrators and community representatives at each school
17 office or at the school district office and, if available, on the website for a
18 school or the school district.

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

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

23
