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Colt Gill

Deputy Superintendent of Public Instruction

HB 2631 - Notification Requirements for Harassment, Intimidation, Bullying or Cyberbullying
House Education Committee
March 2, 2021

Chair Alonso Leon, Vice-Chair Weber, Vice-Chair Neron and members of the committee, I am Jessica Ventura, Government Relations Director for the Oregon Department Education (ODE). Thank you for the opportunity to submit additional information for HB 2631 for your review. ODE has no position on this bill.

Current Law:

Currently law provides:

- definition of discrimination in schools (OAR 581-021-0045);
- discipline, student conduct, and school safety, including bullying and harassment (ORS 339.351 - 339.366); and,
- definitions of discrimination in education (ORS 659.850).
- parent notification for threats of violence (ORS 339.327)

Additionally, the State Board of Education recently adopted the Every Student Belongs rule (OAR 581-022-2312) which prohibits the display of symbols of hate and requires districts to adopt procedures for responding to bias incidents.

Issue:

Current law does not require school districts to notify parents/guardians of students subjected to harassment, intimidation, bullying, or cyberbullying.

House Bill 2631:

HB 2631 requires a school official to notify the parents or legal guardians of a student if the school official has confirmed that the student was subjected to an act of harassment, intimidation, or bullying or an act of cyberbullying, as follows:

- Immediately, if the act physically harmed the student; or
- Within a reasonable period of time, if the act did not physically harm the student.
- Notification may not be provided to the parents or guardians of the student if the student has requested notification not be provided unless the student later agrees to the notification.

If HB 2631 becomes law, it takes effect July 1, 2021. School districts will need to update their policies to comply with the new requirements of this statute. School districts will also need to assure professional development so staff are adequately trained on the new policy for effective implementation.

Suggestions to Improve the Bill:

These are possible concerns related to conflict with current state and federal law that should be addressed:

1. Specifying a single deadline for providing parents/guardians with notice. To notify parents/guardians “immediately” is often situationally difficult and “within a reasonable time period” is subjective and open to interpretation. An example of a single deadline for parent notification can be found in ORS 339.294, pertaining to restraint and/or seclusion events, which requires verbal or electronic notification of the incident by the end of the school day when the incident occurred. This requires parent notification within a specified timeframe, allows for flexibility when immediate notification is not feasible, and provides a deadline to school officials that is less open to interpretation.
2. Liability and ethical concerns related to districts not sharing important information that may lead to further harm to child (depression, self-harm, suicide.) As written, this bill may restrict flow of information in both directions, increasing safety concerns for students while at school.
3. Concern related to age of student not considered in ability to prohibit notification to parent or guardian.
 - o One suggestion is to align with Oregon’s age of consent and mandatory reporting statutes. There is possible conflict with FERPA implications that allow for notification and require information sharing with parents through age of 18 or emancipation.

Finally, we would recommend clarifying when, and in what time frame notification must be provided. The summary section of HB 2631 specifies notice upon receipt of a reported act of harassment, intimidation, bullying or cyberbullying. Section 1 of this bill requires notification if it has been confirmed that the student was subjected to an act of harassment, intimidation, bullying or cyberbullying. If the latter, then there is conflict with the immediate nature of notification – as an investigation must take place between the event and notification. Alignment with ORS 339.327, which requires parent notification for a threat of violence is also recommended.