

**Bullying  
Guidance**  
September 2017

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Bullying in schools is a serious issue, and one that deserves vigilant attention from school personnel and the community at large. The Oregon Department of Education (ODE) is committed to fostering safe, healthy, and supportive school environments that are free from harassment, intimidation, and bullying to ensure maximal learning opportunities for every student. The purpose of this question and answer (Q&A) document is to provide information to school personnel, parents, students, and community members regarding the rules and processes in place to address harassment, intimidation, and bullying in Oregon public schools. This Q&A provides summary information with footnotes provided for readers who wish to review relevant sections of the law. This document should be used as guidance and is not intended as legal advice.

**1. Does Oregon have a state law that prohibits bullying in schools?**

Yes. Oregon’s laws related to harassment, intimidation, and bullying in public schools can be found in the Oregon Revised Statutes chapter 339, sections 351-364. The law can be viewed here in its entirety:

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors339.html](https://www.oregonlegislature.gov/bills_laws/ors/ors339.html)

**2. How is “harassment, intimidation, or bullying” defined?**

Oregon law defines “harassment, intimidation, or bullying” as any act that:

- Substantially interferes with a student’s educational benefits, opportunities, or performance;
- Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop; and has the effect of:
  - Physically harming a student or damaging a student’s property;
  - Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
  - Creating a hostile educational environment, including interfering with the psychological well-being of a student.<sup>1</sup>

**3. Does Oregon’s law include cyberbullying?**

Yes. The law includes cyberbullying, which is defined as “the use of any electronic communication device to harass, intimidate, or bully.”<sup>2</sup>

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<sup>1</sup> ORS 339.351(2).

<sup>2</sup> ORS 339.351(1).

#### **4. Does Oregon law protect only certain groups from bullying?**

No. Oregon law protects all students, recognizing that bullying “may be based on, but not be limited to, the protected class status of a person.”<sup>3</sup>

#### **5. How is “protected class” defined under Oregon law?**

Oregon law defines protected class as a “group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.”<sup>4</sup>

#### **6. What must public school districts do to comply with the law?**

The law requires school districts to adopt policies that:

- Prohibit harassment, intimidation, bullying, and cyberbullying;
- Require employees to report an act of harassment, intimidation, or bullying;
- Allow students or volunteers to report harassment, intimidation, or bullying voluntarily and anonymously;
- Create a uniform procedure for reporting harassment, intimidation, or bullying, and a process that the district will follow in investigating a report of harassment, intimidation, or bullying. This process must:
  - Identify by job title the school officials responsible for receiving and investigating reports of harassment, intimidation, or bullying;
  - Identify a procedure by which a person may request a school district to review the actions of a school in responding to a report of harassment, intimidation, or bullying;
  - Include a statement of the consequences and remedial action for a person found to have committed an act of harassment, intimidation, or bullying;
  - Prohibit retaliation against any person who reports an act of harassment, intimidation, or bullying; and
  - Identify corrective action for one who falsely accuses another of harassment, intimidation, or bullying.<sup>5</sup>

#### **7. How do I find my district’s anti-bullying policy?**

The law requires districts to make their policy “readily available . . . at each school office or at the school district office, and if available, on the website for a school or the school district.”<sup>6</sup>

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<sup>3</sup> ORS 339.351(2)(d).

<sup>4</sup> ORS 339.351(3).

<sup>5</sup> ORS 339.356.

<sup>6</sup> ORS 339.356(2)(m)(B).



## 8. How does one report a concern regarding bullying?

Each school district has its own process for filing a bullying complaint. A written, dated complaint with specific facts is the best method. You should review the school district's process carefully and ask questions of school district office personnel if you have questions about the method for filing a complaint. Be as objective and specific as possible so that a thorough investigation can be conducted.

## 9. What if I file a report and am not satisfied with the school's response?

The law requires school district policy to allow for a review at the district level if you are not happy with a school's response to a report of bullying. Follow the procedures written in the district policy for requesting the district to review the actions of the school. Pay close attention to review deadlines.<sup>7</sup>

## 10. Are there federal laws that protect against harassment, intimidation, and bullying?

Depending upon the unique facts and circumstances of a situation, there are federal laws that apply to certain protected classes in cases involving harassment, intimidation, or bullying. These include Title VI of the Civil Rights Act, Title IX of the Education Amendments Act, Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Amendments Act, and the Individuals with Disabilities Education Act.<sup>8</sup> A discussion of these laws is beyond the scope of this guidance document. However, you can access more information at the following locations:

- U.S. Department of Education's Office for Civil Rights:  
<http://www2.ed.gov/about/offices/list/ocr/index.html>
- ODE Office of Equity, Diversity and Inclusion:  
<http://www.oregon.gov/ode/students-and-family/equity/civilrights/Pages/default.aspx>

For more information, contact:  
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<sup>7</sup> ORS 339.356(2)(h).

<sup>8</sup> On October 26, 2010, the U.S. Department of Education's Office for Civil Rights published a *Dear Colleague Letter* on school harassment and bullying. Available at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>; On August 20, 2013, the U.S. Department of Education's Office of Special Education and Rehabilitative Services published a *Dear Colleague Letter* specific to students with disabilities. Available at: <http://www.ed.gov/news/press-releases/bullying-students-disabilities-addressed-guidance-america%E2%80%99s-schools>; On October 21, 2014, the Office for Civil Rights published a *Dear Colleague Letter* and an accompanying *Parent Fact Sheet* on bullying of students with disabilities. Available at: <http://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/disability.html>.