

Anti-Bullying Policies – A Review of SB 1555

In April 2012, the Oregon legislature passed Senate Bill 1555 which amended Oregon's statutes relating to harassment, intimidation, bullying, and cyber-bullying. The amendments from SB 1555 went into effect July 1, 2012 and provided more definitive language and increased accountability for local school districts, ESDs, and public colleges relating to their anti-bullying policies. The key language and requirement changes SB 1555 put in place are summarized below.

The amendments to the statutes and new language (bolded text) include the following:

- School districts **'shall' develop and adopt policy** regarding the prohibition of harassment, intimidation or bullying, and cyber-bullying, after consulting with parents/guardians, school employees, volunteers, students, administrators and community representatives.
- The policy **shall include a statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying, or cyber-bullying;** and
- **'Requires' that a school employee 'shall' report an act of harassment, intimidation or bullying, or an act of cyber-bullying to an identified person/school official/s,** who is responsible for receiving such a report at school.
- The policy also needs to **identify any 'remedial action' that may be imposed on a school employee for failure to make a report;** and
- **Allows a student or volunteer** to report harassment, intimidation or bullying, and cyber-bullying **voluntarily & anonymously.**
- School districts **'must'** also incorporate into existing training programs for students and school employees information related to the prevention of and appropriate responses to acts of harassment, intimidation or bullying, and cyber-bullying.
- A school employee **'must'** report witnessed acts or reliable information regarding acts of harassment, intimidation or bullying, and cyber-bullying to the designated school official identified in the school's policy; and
- **A student or volunteer who witnesses or has reliable information that a student has been subjected to harassment, intimidation or bullying, or cyber-bullying is encouraged to report the act to the appropriate designated school official.**

School officials further need to have a policy in place that addresses teen dating violence, which was recently added by the legislature in April 2012 as an amendment to Oregon's domestic violence statute via HB 4077. Teen dating violence is defined as *"a pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age."*

Districts further must have policies in place to address sexual harassment.

Districts should also be aware that school districts and other public and private entities could also be impacted by the amendments to the anti-bullying statutes if cyber-bullying is occurring in an off-campus location but is adversely affecting the learning environment of the victim/student at school.

Please note, harassment is a violation of one's civil rights if the victim/student is getting targeted for characteristics associated with the person's protected class status, including age, race, color, sex or gender, national origin, religion, sexual orientation – actual or perceived, marital status, and disability.

References:

- ORS 339.356, ORS 339.359 and ORS 339.362
- ORS 147.450, ORS 147.453, ORS 409.290 and ORS 409.292
- OAR 581-021-0045;
- Title VI of Civil Rights Act, 1964; Title IX of Education Amendments, 1972; Section 504 of Rehabilitation Act, 1973; and Title II of American Disabilities Act, 1990