



OREGON DEPARTMENT OF EDUCATION
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Guidance for Families faced with Harassment, Intimidation, Bullying, or Cyberbullying

Oregon law requires all school districts to have a policy that prohibits harassment, intimidation, bullying and cyberbullying. The policy must also provide a process for reporting acts of harassment, intimidation, bullying and cyberbullying. Additionally, the Department of Education (ODE) encourages all school districts to implement a prevention oriented, evidence-based framework such as Positive Behavioral Interventions and Supports to reduce the incidents of harassment, intimidation, bullying and cyberbullying.

The following is a compilation of laws and guidance related to responding to harassment, intimidation, bullying or cyberbullying in schools and on school property, for use by families and concerned parties.

When presented with an issue related to a student who is a potential victim of bullying behaviors a family:

- Should first ensure student safety.
- May report the incident to the district.
- May locate (or request) and review the district policy on bullying, harassment, intimidation, or cyberbullying.
- May elect to retain private legal counsel and discuss possible private legal resolutions of the matter.
- May elect to pursue the matter with law enforcement if necessary, following all law enforcement procedures of reporting and complaint.

If the matter is not addressed by the district or school to the satisfaction of the family, a family:

- Should utilize the district's local complaint process. Oregon law requires all districts to have adopted a local complaint process.
- If a district is perceived to not have a policy or complaint process as required by state law the family may file a complaint with the Superintendent of Public Instruction under OAR 581-22-1940.
- May elect to transfer the child to another school depending on the admissions policies of the new school and state law that may apply to the transfer.

Complaint Process:

Oregon Revised Statute (ORS) 339.356 requires all school districts to have a policy that prohibits harassment, intimidation or bullying, and cyberbullying. District policies are available for public access either via the district website, or by request through the district office. All district policies must indicate the process by which issues of bullying, harassment, intimidation and cyberbullying can be resolved and must indicate an individual as contact for these issues. Some policies indicate additional parties that can be contacted such as the local school board chairperson.

Districts are required to certify to ODE each year that they have policies in place and are in compliance with state law. If a district is not in compliance with the state law, the district must file a plan with the Superintendent of Public Instruction for getting back into compliance. If the superintendent finds that the district continues to be nonstandard or deficient, the Superintendent may impose penalties on the district which may include the withholding of State School Funds. This is consistent with findings of deficiency for all education standards under Division 22 of Oregon's Administrative Rules.

If a complaint is resolved at the district level, ODE is not notified of the complaint or of the method that was used to resolve it. Additionally, the State Superintendent's authority is only to review standards that a district is alleged to have violated.

A complaint may also be filed with the Teacher Standards and Practices Commission against a particular licensed teacher or administrator alleging that the staff member did not act in a professional manner relating to the harassment, intimidation, bullying or cyberbullying.

Discrimination:

Another complaint process that is available to many students that have been harassed, intimidated, bullied or cyberbullied is the discrimination complaint process. ORS 659.850 prohibits discrimination in public schools based on race, color, religion, sex, sexual orientation, national origin, marital status, age or disability. Under this statute, the student would first utilize the district's local complaint process and then could file a complaint with the state superintendent. If the superintendent finds unlawful discrimination she may impose sanctions which may include withholding of State School Funds. A student claiming to be aggrieved by unlawful discrimination may also file a civil action in either state or federal court for equitable relief, damages, or both.

District Reporting:

Districts are required to submit to ODE annual data via the Discipline Incidents Collection which captures district information related to safe schools. This is an annual requirement and captures information related to discipline actions taken by districts as well as by student related offenses.

Training:

Districts are trained annually on the data entry related to this tool by ODE staff as part of their annual data collection training series. In addition to training on the tool, districts receive information related to the laws and the expectations as a component of recurring sessions offered by ODE as a part of the annual Fall Conference for Special Education Administrators.

Evidence Based Practices:

Another option that parents are encouraged to pursue, is to request that their district adopt and utilize a model of discipline that is based on positive behavioral interventions and supports such as Positive Behavioral Interventions and Supports (PBIS).

PBIS is a practice around systemic behavior support systems which allow students to focus on instruction and be successful in school. "...[PBIS] can be described as a data-driven, team-based framework or approach for establishing a continuum of effective behavioral practices and systems that (a) prevents the development or worsening of problem behavior and (b) encourages the teaching and reinforcement of prosocial expectations and behavior across all environments for all students by all staff (Sugai, Simonsen, & Horner, 2008)." PBIS is widely supported in Oregon and schools and districts may access resources to develop and sustain these programs. For more information on PBIS see: <http://www.ode.state.or.us/search/page/?=553>