
Bullying Guidance
January 2016

Bullying in schools is a serious issue, and one that deserves vigilant attention from school personnel as well as 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 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 on the rules and processes in place to address bullying, harassment, and intimidation in Oregon public schools. For ease of reference, “bullying” will be used throughout this document to also be inclusive of both “harassment” and “intimidation” as defined in Oregon law. This Q&A provides *summary* information, with footnotes provided for readers who wish to review the relevant section of the full written law.

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

Yes. In April 2012, the Oregon legislature passed Senate Bill 1555 which updated Oregon’s laws related to bullying, harassment, and intimidation in public schools. The law is found in the Oregon Revised Statutes chapter 339, sections 351-364 (i.e., ORS 339.351—364). The law can be viewed here in its entirety:
https://www.oregonlegislature.gov/bills_laws/ors/ors339.html

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

Oregon law defines “bullying, harassment, or intimidation” 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.¹

¹ ORS 339.351(2).

3. Does Oregon's law include cyberbullying?

Yes. The law includes cyberbullying, defining it as “the use of any electronic communication device to harass, intimidate, or bully.”²

4. Does Oregon law protect only certain groups from harassment?

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

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.”⁴

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

The law requires school districts to adopt policies that:

- Prohibit bullying as defined in the law.
- Require employees to report bullying.
- Allow students or volunteers to report bullying anonymously.
- Define a uniform procedure for reporting bullying, and a process that the district will follow in investigating a report of bullying. This process must:
 - Identify by job title the school officials responsible for investigation.
 - 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.
 - Identify corrective action if bullying is found to have occurred.
 - Prohibit retaliation against any person who reports an act of bullying.
 - Identify corrective action for one who falsely accuses another of bullying.⁵

7. How do I find my district's 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.”⁶

² ORS339.351(1).

³ ORS 339.351(2)(d).

⁴ ORS 339.351(3).

⁵ ORS 339.356.

⁶ ORS 339.356(m)(B).

8. How does one report a concern regarding bullying?

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

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

The law requires 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. You should follow the procedures written in the policy for requesting the district to review the actions of the school.⁷

10. Are there federal laws that create protection against harassment?

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.^{8,9} 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>
- Oregon Department of Education's Equity Unit:
<http://www.ode.state.or.us/search/results/?id=131>

**For more information contact:
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⁷ ORS 339.356(2)(h).

⁸ On October 26, 2010, the U.S. Department of Education's Office for Civil Rights has published a *Dear Colleague Letter* on school harassment and bullying. Available at:
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>

⁹ 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>.