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Parkrose School District 3 ~~OSBA Model Sample Policy~~

Code: JFCF
Adopted: 4/26/10
Revised:

OSBA Summary

House Bill 2631 passed by the 2021 Legislature added requirements to notify parents or guardians of a student who was the subject an act of harassment, intimidation, bullying, or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying, or cyberbullying. House Bill 3041 also passed and revised the statutory definition of sexual orientation and added a new term defining gender identity in Oregon affecting protected classes. Additionally, OSBA will now maintain only one version of model sample policy JFCF and its administrative regulation, JFCF-AR with the option for boards to included hazing and menacing (not required to be in policy) as shown in the updated version presented herein.

~~{Hazing, }Harassment, Intimidation, Bullying, {Menacing, }Cyberbullying, Teen Dating Violence, or Domestic Violence – Student~~**

~~(Version 2)~~¶¶

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy in compliance with applicable Oregon law.

~~{Hazing, } {h}arassment, intimidation or bullying{, menacing}, and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited in the district. Teen dating violence is unacceptable behavior and prohibited. Each student has the right to a safe learning environment.~~

Retaliation against any person who is a victim of, who reports, is thought to have reported, or files a complaint about an act of ~~{hazing, } harassment, intimidation or bullying, {menacing, }~~ an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including expulsion.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

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Students, staff, or third parties may also be referred to law enforcement officials.

The [principal and the] superintendent [are] [is] responsible for ensuring that this policy is implemented.

Definitions

“District” includes district facilities, district premises, and nondistrict property if the student is at any district-sponsored, district-approved, or district-related activity or function, such as field trips or athletic events where students are under the jurisdiction of the district.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.

[“Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment[.] (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student);] [requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; or assignment of pranks to be performed or other such activities intended to degrade or humiliate.] It is not a defense against hazing that the student subjected to hazing consented to or appeared to consent to the hazing.]

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to district grounds, at any district-sponsored activity, on district-provided transportation, or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, and having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
3. Creating a hostile educational environment including interfering with the psychological well-being of the student.

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“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation¹, gender identity, national origin, marital status, familial status, source of income, or disability.

“Teen dating violence” means:

1. 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; or
2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

“Domestic violence” means abuse between family and/or household members, as those terms are described in ORS 107.705.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

“Retaliation” means any acts of, including but not limited to, [hazing,]harassment, intimidation or bullying,[menacing,] or cyberbullying toward the victim, a person in response to an actual or apparent reporting of, or participation in the investigation of, [hazing,] harassment, intimidation or bullying,[menacing,] teen dating violence, acts of cyberbullying, or retaliation.

[“Menacing” includes, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.]

Reporting

The [Principal~~employee position title~~²] will take reports and conduct a prompt investigation of any reported acts of [hazing,] harassment, intimidation or bullying,[menacing,] cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the Principal~~[employee position title]~~ who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity, or in a vehicle used for district-provided transportation shall immediately report the incident to the Principal~~[employee position title]~~. Failure of an employee to report any act of [hazing,] harassment, intimidation or bullying,[menacing,] cyberbullying, or teen dating violence to the Principal~~[employee position title]~~ may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

~~¹“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behaviors differs from that traditionally associated with the individual’s sex at birth.]]~~

~~²[Required by ORS 339.356(2)(g). Other bracketed language regarding hazing and menacing exceeds the requirements of ORS 339.356 and is under Board authority ORS 332.107.]]~~

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Any student who has knowledge of conduct in violation of this policy or feels they have been subjected to an act of [hazing,] harassment, intimidation or bullying, [menacing,] or cyberbullying or feel they have been a victim of teen dating violence in violation of this policy, is encouraged to immediately report concerns to the Principal [employee position title] who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report concerns to the Principal [employee position title]. A report made by a student or volunteer may be made anonymously. A student or volunteer may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Reports against the principal shall be filed with the superintendent. Reports against the superintendent shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the [superintendent] review the actions taken in the initial investigation, in accordance with [administrative regulations] [district complaint procedure (policy KL-AR)s].

Notification to Parents or Guardians

The Principal [employee position title] shall notify the parents or guardians of a student who was subject to an act of harassment, intimidation, bullying or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying or cyberbullying.

The notification must occur with involvement and consideration of the needs and concerns of the student who was the subject to an act of harassment, intimidation, bullying or cyberbullying. The notification is not required if the Principal [employee position title] reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation, bullying or cyberbullying or if all of the following occur:

1. The student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying requests that notification not be provided to the student's parents or guardians.
2. The Principal [employee position title] determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying; and
3. The Principal [employee position title] informs the student that federal law may require the student's parents and guardians to have access to the student's education record, including any requests of nondisclosure (from item 1 above).

If the Principal [employee position title] determines the notification is not in the best interest of the student, they must inform the student of that determination prior to providing notification.

When notification is provided, the notification must occur:

1. Within a reasonable period of time; or

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2. Promptly, for acts that caused physical harm to the student.

Training and Education

The district shall incorporate into existing training programs for students, information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, and acts of cyberbullying and this policy.

The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12.

The district shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence, domestic violence, and acts of cyberbullying and this policy.

Notice

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a **student or staff handbook**, school and district's website, and school and district office ~~and the development of administrative regulations, including reporting and investigative procedures~~. Complaint procedures (policy KL-AR), as established by the district, shall be followed.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by ODE.

END OF POLICY

Legal Reference(s):

~~ORS 163.190~~
~~ORS 163.197~~
~~ORS 107.705~~
~~ORS 166.065~~
~~ORS 166.155 - 166.165~~
~~ORS 174.100(7)~~

[ORS 332.072](#)
[ORS 332.107](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.351 - 339.368](#)
[OAR 581-021-0045](#)

[OAR 581-021-0046](#)
[OAR 581-021-0055](#)
[OAR 581-022-2310](#)
[OAR 581-022-2370](#)
House Bill 2631 (2021)
House Bill 3041 (2021)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012 ~~2018~~).