

Enrolled
House Bill 2637

Sponsored by Representative HUNT; Representatives COWAN, C EDWARDS, D EDWARDS, KOMP,
NATHANSON, ROBLAN, Senators DEVLIN, GORDLY, MORRISETTE

CHAPTER

AN ACT

Relating to cyberbullying; creating new provisions; amending ORS 339.351, 339.353, 339.356, 339.359,
339.362 and 339.364; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 339.351 is amended to read:

339.351. As used in ORS 339.351 to 339.364[,]:

(1) **“Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully.**

(2) **“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 school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:**

[1] (a) Physically harming a student or damaging a student’s property;

[2] (b) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or

[3] (c) Creating a hostile educational environment.

SECTION 2. ORS 339.353 is amended to read:

339.353. (1) The Legislative Assembly finds that:

(a) A safe and civil environment is necessary for students to learn and achieve high academic standards.

(b) Harassment, intimidation or bullying **and cyberbullying**, like other disruptive or violent behavior, [is] **are** conduct that disrupts a student’s ability to learn and a school’s ability to educate its students in a safe environment.

(c) Students learn by example.

(2) The [legislature] **Legislative Assembly** commends school administrators, faculty, staff and volunteers for demonstrating appropriate behavior, treating others with civility and respect, [and] refusing to tolerate harassment, intimidation or bullying **and refusing to tolerate cyberbullying.**

SECTION 3. ORS 339.356 is amended to read:

339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying **and prohibiting cyberbullying.** School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts are encouraged to include in the policy:

(a) A statement prohibiting harassment, intimidation or bullying **and prohibiting cyberbullying**;

(b) [A *definition*] **Definitions** of harassment, intimidation or bullying **and of cyberbullying** that [is] **are** consistent with ORS 339.351;

(c) A description of the type of behavior expected from each student;

(d) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying **or an act of cyberbullying**;

(e) A procedure for reporting an act of harassment, intimidation or bullying **or an act of cyberbullying**, including a provision that permits a person to report an act of harassment, intimidation or bullying **or an act of cyberbullying** anonymously. Nothing in this paragraph may be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(f) A procedure for prompt investigation of a report of an act of harassment, intimidation or bullying **or an act of cyberbullying**;

(g) A statement of the manner in which a school district will respond after an act of harassment, intimidation or bullying **or an act of cyberbullying** is reported, investigated and confirmed;

(h) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying **or an act of cyberbullying**;

(i) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying **or an act of cyberbullying** and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;

(j) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying **or an act of cyberbullying** as a means of reprisal or retaliation, [or] as a means of harassment, intimidation or bullying **or as a means of cyberbullying**;

(k) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities; and

(L) The identification by job title of school officials responsible for ensuring that policy is implemented.

SECTION 4. ORS 339.359 is amended to read:

339.359. School districts are encouraged to form [*harassment, intimidation or bullying prevention*] task forces, programs[,] and other initiatives [*involving*] **that are aimed at the prevention of harassment, intimidation or bullying and of cyberbullying and that involve school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives.**

SECTION 5. ORS 339.362 is amended to read:

339.362. (1) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation or bullying **or an act of cyberbullying**.

(2) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying **or an act of cyberbullying** is encouraged to report the act to the appropriate school official designated by the school district's policy.

(3) A school employee who promptly reports an act of harassment, intimidation or bullying **or an act of cyberbullying** to the appropriate school official in compliance with the procedures set forth in the school district's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

SECTION 6. ORS 339.364 is amended to read:

339.364. ORS 339.351 to 339.364 may not be interpreted to prevent a victim of harassment, intimidation or bullying **or a victim of cyberbullying** from seeking redress under any other available law, whether civil or criminal. ORS 339.351 to 339.364 do not create any statutory cause of action.

SECTION 7. The amendments to ORS 339.351, 339.353, 339.356 and 339.359 by sections 1 to 4 of this 2007 Act first apply to the 2007-2008 school year.

SECTION 8. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect July 1, 2007.

Passed by House May 7, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate June 14, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State