

HOUSE AMENDMENTS TO HOUSE BILL 2637

By COMMITTEE ON EDUCATION

May 2

1 In line 2 of the printed bill, after “339.351” insert “, 339.353, 339.356, 339.359, 339.362 and
2 339.364”.

3 Delete lines 5 through 24 and insert:

4 “**SECTION 1.** ORS 339.351 is amended to read:

5 “339.351. As used in ORS 339.351 to 339.364[,]:

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

8 “(2) ‘Harassment, intimidation or bullying’ means any act that substantially interferes with a
9 student’s educational benefits, opportunities or performance, that takes place on or immediately ad-
10 jacent to school grounds, at any school-sponsored activity, on school-provided transportation or at
11 any official school bus stop, and that has the effect of:

12 “[1] (a) Physically harming a student or damaging a student’s property;

13 “[2] (b) Knowingly placing a student in reasonable fear of physical harm to the student or
14 damage to the student’s property; or

15 “[3] (c) Creating a hostile educational environment.

16 “**SECTION 2.** ORS 339.353 is amended to read:

17 “339.353. (1) The Legislative Assembly finds that:

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

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

23 “(c) Students learn by example.

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

27 “**SECTION 3.** ORS 339.356 is amended to read:

28 “339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or
29 bullying **and prohibiting cyberbullying**. School districts are encouraged to develop the policy after
30 consultation with parents and guardians, school employees, volunteers, students, administrators and
31 community representatives.

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

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

35 “(b) [A definition] **Definitions** of harassment, intimidation or bullying **and of cyberbullying** that

1 [is] **are** consistent with ORS 339.351;

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

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

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

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

11 “(g) A statement of the manner in which a school district will respond after an act of
12 harassment, intimidation or bullying **or an act of cyberbullying** is reported, investigated and con-
13 firmed;

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

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

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

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

25 “(L) The identification by job title of school officials responsible for ensuring that policy is im-
26 plemented.

27 “**SECTION 4.** ORS 339.359 is amended to read:

28 “339.359. School districts are encouraged to form [*harassment, intimidation or bullying*
29 *prevention*] task forces, programs[,] and other initiatives [*involving*] **that are aimed at the pre-**
30 **vention of harassment, intimidation or bullying and of cyberbullying and that involve** school
31 employees, students, administrators, volunteers, parents, guardians, law enforcement and community
32 representatives.

33 “**SECTION 5.** ORS 339.362 is amended to read:

34 “339.362. (1) A school employee, student or volunteer may not engage in reprisal or retaliation
35 against a victim of, witness to or person with reliable information about an act of harassment, in-
36 timidation or bullying **or an act of cyberbullying**.

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

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

45 “**SECTION 6.** ORS 339.364 is amended to read:

1 “339.364. ORS 339.351 to 339.364 may not be interpreted to prevent a victim of harassment, in-
2 timidation or bullying **or a victim of cyberbullying** from seeking redress under any other available
3 law, whether civil or criminal. ORS 339.351 to 339.364 do not create any statutory cause of action.

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

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

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