

**A-Engrossed**  
**Senate Bill 240**

Ordered by the Senate April 22  
Including Senate Amendments dated April 22

Sponsored by Senators VERGER, ATKINSON; Senators BOQUIST, EDWARDS, MONNES ANDERSON, PROZANSKI, TELFER (Presession filed.)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires school employees to report acts of harassment, intimidation or bullying and acts of cyberbullying. Allows remedial action for failure to report.

*[Requires increased remedial actions if person conspired with another person to commit act of harassment, intimidation or bullying or act of cyberbullying, or if person commits subsequent acts of harassment, intimidation or bullying or acts of cyberbullying.]*

Requires school to prominently post policy related to acts of harassment, intimidation or bullying and acts of cyberbullying.

Requires school or school district to report to law enforcement incidents that may have violated criminal statute.

Declares emergency, effective July 1, 2011.

**A BILL FOR AN ACT**

1  
2 Relating to hostile education environments; creating new provisions; amending ORS 339.356, 339.359  
3 and 339.362; and declaring an emergency.

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

5 **SECTION 1.** ORS 339.356 is amended to read:

6 339.356. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or  
7 bullying and prohibiting cyberbullying. School districts *[are encouraged to]* **shall** develop the policy  
8 after consultation with parents, guardians, school employees, volunteers, students, administrators  
9 and community representatives.

10 (2) School districts must include in the policy:

11 (a) A statement prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.

12 (b) Definitions of "harassment," "intimidation" or "bullying" and of "cyberbullying" that are  
13 consistent with ORS 339.351.

14 (c) Definitions of "protected class" that are consistent with ORS 174.100 and 339.351.

15 (d) A statement of the scope of the policy, including a notice that the policy applies to behavior  
16 at school-sponsored activities, on school-provided transportation and at any official school bus stop.

17 (e) A description of the type of behavior expected from each student.

18 *[(f) A statement of the consequences and appropriate remedial action for a person who commits an*  
19 *act of harassment, intimidation or bullying or an act of cyberbullying.]*

20 *[(g)]* **(f)** A procedure that is uniform throughout the school district for reporting an act of  
21 harassment, intimidation or bullying or an act of cyberbullying. A procedure established under this  
22 paragraph shall:

23 **(A)** Identify by job title the school officials responsible for receiving such a report at a school

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 [and shall].

2 **(B) Require a school employee to report an act of harassment, intimidation or bullying**  
3 **or an act of cyberbullying to a person identified under subparagraph (A) of this paragraph.**

4 **(C) Identify any remedial action that may be imposed on a school employee for failure**  
5 **to make a report as required by subparagraph (B) of this paragraph.**

6 **(D) Allow a [person] student or volunteer to report an act of harassment, intimidation or**  
7 **bullying or an act of cyberbullying voluntarily and anonymously to a person identified in sub-**  
8 **paragraph (A) of this paragraph.** Nothing in this [paragraph] subparagraph may be construed to  
9 permit [formal disciplinary action] remedial action solely on the basis of an anonymous report.

10 [(h)] **(g)** A procedure that is uniform throughout the school district for prompt investigation of  
11 a report of an act of harassment, intimidation or bullying or an act of cyberbullying. A procedure  
12 established under this paragraph shall identify by job title the school officials responsible for in-  
13 vestigating such a report.

14 [(i)] **(h)** A procedure by which a person may request a school district to review the actions of  
15 a school in responding to a report of an act of harassment, intimidation or bullying or an act of  
16 cyberbullying or investigating such a report.

17 [(j)] **(i)** A statement of the manner in which a school and a school district will respond after an  
18 act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and  
19 confirmed.

20 [(k)] **(j)** A statement of the consequences and appropriate remedial action for a person found to  
21 have committed an act of harassment, intimidation or bullying or an act of cyberbullying.

22 [(L)] **(k)** A statement prohibiting reprisal or retaliation against any person who reports an act  
23 of harassment, intimidation or bullying or an act of cyberbullying and stating the consequences and  
24 appropriate remedial action for a person who engages in such reprisal or retaliation.

25 [(m)] **(L)** A statement of the consequences and appropriate remedial action for a person found  
26 to have falsely accused another of having committed an act of harassment, intimidation or bullying  
27 or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimid-  
28 ation or bullying or as a means of cyberbullying.

29 [(n)] **(m)** A statement of how the policy is to be publicized within the district. At a minimum,  
30 a school district shall make the policy:

31 **(A) Prominently visible at the main entrance of each kindergarten through grade 12**  
32 **school;**

33 [(A)] **(B)** Annually available to parents, guardians, school employees and students in a student  
34 or employee handbook; and

35 [(B)] **(C)** Readily available to parents, guardians, school employees, volunteers, students, admin-  
36 istrators and community representatives at each school office or at the school district office and, if  
37 available, on the website for a school or the school district.

38 [(o)] **(n)** The identification by job title of school officials and school district officials responsible  
39 for ensuring that **the** policy is implemented.

40 (3) A school district that does not comply with the requirements of this section is considered  
41 nonstandard under ORS 327.103.

42 **SECTION 2.** ORS 339.359 is amended to read:

43 339.359. (1) School districts [are encouraged to] **must** incorporate into existing training programs  
44 for students and school employees information related to:

45 **(a)** The prevention of, and the appropriate response to, acts of harassment, intimidation and

1 bullying and acts of cyberbullying[.]; **and**

2 **(b) The policy adopted under ORS 339.356.**

3 (2) School districts are encouraged to form task forces and to implement programs and other  
4 initiatives that are aimed at the prevention of, and the appropriate response to, acts of harassment,  
5 intimidation or bullying and acts of cyberbullying and that involve school employees, students, ad-  
6 ministrators, volunteers, parents, guardians, law enforcement and community representatives.

7 **SECTION 3.** ORS 339.362 is amended to read:

8 339.362. (1) A school employee, student or volunteer may not engage in reprisal or retaliation  
9 against a victim of, witness to or person with reliable information about an act of harassment, in-  
10 timidation or bullying or an act of cyberbullying.

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

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

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

23 **SECTION 4.** The amendments to ORS 339.356, 339.359 and 339.362 by sections 1 to 3 of this  
24 2011 Act first apply to the 2011-2012 school year.

25 **SECTION 5.** This 2011 Act being necessary for the immediate preservation of the public  
26 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
27 July 1, 2011.

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