

Senate Bill 240

Sponsored by Senator VERGER; Senators EDWARDS, MONNES ANDERSON (Pre-session 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 **as introduced**.

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
24 [*and shall*].

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

27 (C) **Identify any remedial action that may be imposed on a school employee for failure**

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 **to make a report as required by subparagraph (B) of this paragraph.**

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

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

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

13 *[(j)]* (i) A statement of the manner in which a school and a school district will respond after an
14 act of harassment, intimidation or bullying or an act of cyberbullying is reported, investigated and
15 confirmed, **including the procedure by which any incidents that may have violated a criminal**
16 **statute are reported to law enforcement.**

17 *[(k)]* (j) A statement of the consequences and appropriate remedial action for a person found to
18 have committed an act of harassment, intimidation or bullying or an act of cyberbullying[.], **in-**
19 **cluding increased remedial actions:**

20 (A) **If a person conspired with another person to commit an act of harassment, intimid-**
21 **ation or bullying or an act of cyberbullying; or**

22 (B) **For each additional time a person is found to have committed an act of harassment,**
23 **intimidation or bullying or an act of cyberbullying.**

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

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

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

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

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

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

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

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

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

45 339.359. (1) School districts *[are encouraged to]* **must** incorporate into existing training programs

1 for students and school employees information related to:

2 (a) The prevention of, and the appropriate response to, acts of harassment, intimidation and
3 bullying and acts of cyberbullying[.]; **and**

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

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

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

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

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

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

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

25 **SECTION 4.** The amendments to ORS 339.356, 339.359 and 339.362 by sections 1 to 3 of this
26 2011 Act first apply to the 2011-2012 school year.

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

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