

Senate Bill 1555

Sponsored by Senator VERGER; Senators ATKINSON, BOQUIST, JOHNSON, PROZANSKI, TELFER, WHITSETT, Representative ROBLAN (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 policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying to allow student or volunteer to make report voluntarily and anonymously.

Takes effect July 1, 2012.

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 prescribing an effective date.

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

29 (D) Allow a [*person*] **student or volunteer** to report an act of harassment, intimidation or

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 bullying or an act of cyberbullying **voluntarily and** anonymously **to a person identified under**
 2 **subparagraph (A) of this paragraph.** Nothing in this [*paragraph*] **subparagraph** may be construed
 3 to permit [*formal disciplinary action*] **remedial action** solely on the basis of an anonymous report.

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

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

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

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

16 [(*L*)] (**k**) A statement prohibiting reprisal or retaliation against any person who reports an act
 17 of 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 [(*m*)] (**L**) A statement of the consequences and appropriate remedial action for a person found
 20 to have falsely accused another of having committed an act of harassment, intimidation or bullying
 21 or an act of cyberbullying as a means of reprisal or retaliation, as a means of harassment, intimid-
 22 ation or bullying or as a means of cyberbullying.

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

25 (A) Annually available to parents, guardians, school employees and students in a student or
 26 employee handbook; and

27 (B) Readily available to parents, guardians, school employees, volunteers, students, administra-
 28 tors and community representatives at each school office or at the school district office and, if
 29 available, on the website for a school or the school district.

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

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

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

35 339.359. (1) School districts [*are encouraged to*] **must** incorporate into existing training programs
 36 for students and school employees information related to:

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

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

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

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

45 339.362. (1) A school employee, student or volunteer may not engage in reprisal or retaliation

1 against a victim of, witness to or person with reliable information about an act of harassment, in-
2 timidation or bullying or an act of cyberbullying.

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

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

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

15 **SECTION 4. The amendments to ORS 339.356, 339.359 and 339.362 by sections 1 to 3 of this**
16 **2012 Act first apply to the 2012-2013 school year.**

17 **SECTION 5. This 2012 Act takes effect on July 1, 2012.**

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