

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1941

By: Lamb, Garrison,
Ballenger, Nichols and
Leftwich of the Senate

4 and

5 Blackwell of the House

6
7
8 An Act relating to school security; creating the
9 Oklahoma School Security Act; providing short title;
10 amending 26 O.S. 2001, Section 3-123, which relates
11 to polling places; providing boards of education with
12 the option to provide polling places in schools;
13 amending 63 O.S. 2001, Section 681, as amended by
14 Section 1, Chapter 329, O.S.L. 2003 (63 O.S. Supp.
15 2007, Section 681), which relates to school emergency
16 procedures; requiring certain plans to be reviewed
17 and updated annually; * * * amending Section 4,
18 Chapter 157, O.S.L. 2004, as amended by Section 1,
19 Chapter 397, O.S.L. 2005 (74 O.S. Supp. 2007, Section
20 51.3), which relates to regional advisory councils;
21 requiring council membership to include certain
22 additional representatives; providing for
23 codification; providing for noncodification; and
24 providing an effective date.

18 AUTHOR: Add the following House Coauthor: Collins

19 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

22 "An Act relating to school security; creating the
23 Oklahoma School Security Act; providing short title;
24 amending 26 O.S. 2001, Section 3-123, which relates
to polling places; providing boards of education
with the option to provide polling places in

1 schools; amending 63 O.S. 2001, Section 681, as
2 amended by Section 1, Chapter 329, O.S.L. 2003 (63
3 O.S. Supp. 2007, Section 681), which relates to
4 school emergency procedures; requiring certain plans
5 to be reviewed and updated annually; amending
6 Section 1, Chapter 127, O.S.L. 2007, Section 2,
7 Chapter 149, O.S.L. 2002, 70 O.S. 2001, Sections 6-
8 114, as amended by Section 3, Chapter 149, O.S.L.
9 2002, and as renumbered by Section 5, Chapter 149,
10 O.S.L. 2002 and 24-100, as amended by Section 4,
11 Chapter 149, O.S.L. 2002, and as renumbered by
12 Section 5, Chapter 149, O.S.L. 2002 (70 O.S. Supp.
13 2007, Sections 5-148, 24-100.3, 24-100.4 and 24-
14 100.5), which relate to school lockdown drills,
15 school bullying, school disciplinary policies, and
16 Safe School Committees; requiring schools to conduct
17 two lockdown drills each year; expanding certain
18 definition; defining additional terms; requiring
19 certain policy to include investigation of certain
20 incidents; prohibiting harassment, intimidation or
21 bullying by electronic communication; defining scope
22 of prohibited electronic communication; requiring a
23 procedure for certain investigation; requiring a
24 procedure for certain recommendations; requiring a
procedure for requesting certain information;
providing for compliance of information disclosure
with state and federal laws; directing State Board
of Education to promulgate rules for certain
monitoring and sanctions; expanding the Safe School
Committee membership to include certain school
official; directing Oklahoma Office of Homeland
Security to make grants available to certain
educational entities and certain public safety
entities; encouraging certain emergency preparedness
improvements; encouraging certain public safety
entities to assist certain educational entities with
emergency preparedness improvements; amending
Section 4, Chapter 157, O.S.L. 2004, as amended by
Section 1, Chapter 397, O.S.L. 2005 (74 O.S. Supp.
2007, Section 51.3), which relates to regional
planning and coordination advisory councils for
homeland security; requiring council membership to
include certain additional representatives;
providing for codification; providing for
noncodification; and providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law not to be
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as the "Oklahoma School
5 Security Act".

6 SECTION 2. AMENDATORY 26 O.S. 2001, Section 3-123, is
7 amended to read as follows:

8 Section 3-123. The board of education of any school district
9 may, and the governing board of any municipality, shall, furnish a
10 room or rooms in any school building or municipal building for use
11 as a polling place at no cost.

12 SECTION 3. AMENDATORY 63 O.S. 2001, Section 681, as
13 amended by Section 1, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2007,
14 Section 681), is amended to read as follows:

15 Section 681. School authorities of the State of Oklahoma, its
16 political subdivisions, and its school districts are authorized to
17 plan, design, and construct new school buildings and make additions
18 to existing school buildings that afford protection for the
19 anticipated school body, faculty, and visitors against tornadoes and
20 severe weather. Each school, administration building and
21 institution of higher learning shall have written plans and
22 procedures in place for protecting students, faculty, administrators
23 and visitors from natural and man-made disasters and emergencies.
24 Plans shall be reviewed and updated annually as appropriate by each

1 school, administration building and institution of higher learning,
2 and placed on file at each school district and each local emergency
3 management organization within the district. Each school district
4 and institution of higher learning shall make annual reports to the
5 local school board or Board of Regents detailing the status of
6 emergency preparedness and identified safety needs for each school
7 or institution.

8 SECTION 4. AMENDATORY Section 1, Chapter 127, O.S.L.
9 2007 (70 O.S. Supp. 2007, Section 5-148), is amended to read as
10 follows:

11 Section 5-148. Each district board of education shall ensure
12 that a minimum of ~~one~~ two lockdown ~~drill is~~ drills are conducted at
13 each public school within the district each school year. No
14 lockdown drill shall be conducted at the same time of day as a
15 previous lockdown drill conducted in the same school year, and no
16 more than two lockdown drills shall be conducted in one semester.
17 Additional drills may be conducted at the discretion of the
18 district. Lockdown drills shall be conducted for the purpose of
19 securing school buildings to prevent or mitigate injuries or deaths
20 that may result from a threat on or near the school. The drills
21 shall conform to the written plans and procedures adopted by the
22 district as required by Section 681 of Title 63 of the Oklahoma
23 Statutes. All students and employees shall participate in the

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1 drills, with the extent of student involvement to be determined by
2 the district.

3 The State Board of Education shall adopt rules to implement the
4 provisions of this section.

5 SECTION 5. AMENDATORY Section 2, Chapter 149, O.S.L.
6 2002 (70 O.S. Supp. 2007, Section 24-100.3), is amended to read as
7 follows:

8 Section 24-100.3 A. The Legislature finds that bullying has a
9 negative effect on the social environment of schools, creates a
10 climate of fear among students, inhibits their ability to learn, and
11 leads to other antisocial behavior. Bullying behavior has been
12 linked to other forms of antisocial behavior, such as vandalism,
13 shoplifting, skipping and dropping out of school, fighting, and the
14 use of drugs and alcohol. Research has shown that sixty percent
15 (60%) of males who were bullies in grades six through nine were
16 convicted of at least one crime as adults, and thirty-five percent
17 (35%) to forty percent (40%) of these former bullies had three or
18 more convictions by twenty-four (24) years of age. Successful
19 programs to recognize, prevent, and effectively intervene in
20 bullying behavior have been developed and replicated in schools
21 across the country. These schools send the message that bullying
22 behavior is not tolerated and, as a result, have improved safety and
23 created a more inclusive learning environment.

24

1 B. The purpose of the School Bullying Prevention Act is to
2 provide a comprehensive approach for the public schools of this
3 state to create an environment free of unnecessary disruption which
4 is conducive to the learning process by implementing policies for
5 the prevention of harassment, intimidation, and bullying.

6 C. As used in the School Bullying Prevention Act:

7 1. "Harassment, intimidation, and bullying" means any gesture,
8 written or verbal expression, electronic communication, or physical
9 act that a reasonable person should know will harm another student,
10 damage another student's property, place another student in
11 reasonable fear of harm to the student's person or damage to the
12 student's property, or insult or demean any student or group of
13 students in such a way as to disrupt or interfere with the school's
14 educational mission or the education of any student. "Harassment,
15 intimidation, and bullying" include, but are not limited to, a
16 ~~gesture or gestures~~, written, verbal, or physical ~~act~~ acts, or
17 electronic communications; and

18 2. "At school" means on school grounds, in school vehicles, at
19 designated school bus stops, at school-sponsored activities, or at
20 school-sanctioned events;

21 3. "Electronic communication" means the communication of any
22 written, verbal, or pictorial information by means of an electronic
23 device, including, but not limited to, a telephone, a cellular
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1 telephone or other wireless telecommunication device, or a computer;
2 and

3 4. "Threatening behavior" means any pattern of behavior or
4 isolated action, whether or not it is directed at another person,
5 that a reasonable person would believe indicates potential for
6 future harm to students, school personnel, or school property.

7 D. Nothing in this act shall be construed to impose a specific
8 liability on any school district.

9 SECTION 6. AMENDATORY 70 O.S. 2001, Section 6-114, as
10 amended by Section 3, Chapter 149, O.S.L. 2002, and as renumbered by
11 Section 5, Chapter 149, O.S.L. 2002 (70 O.S. Supp. 2007, Section 24-
12 100.4), is amended to read as follows:

13 Section 24-100.4 A. Each district board of education shall
14 adopt a policy for the control and discipline of all children
15 attending public school in that district, and for the investigation
16 of reported incidents of harassment, intimidation, bullying, or
17 threatening behavior. Such policy shall provide options for the
18 methods of control and discipline of the students and shall define
19 standards of conduct to which students are expected to conform. The
20 policy shall ~~specifically:~~

21 1. Specifically prohibit threatening behavior, harassment,
22 intimidation, and bullying by students at school and address by
23 electronic communication, whether or not such communication
24 originated at school or with school equipment, if the communication

1 is specifically directed at students or school personnel and
2 concerns harassment, intimidation, or bullying at school;
3 2. Address prevention of and education about such behavior;
4 3. Establish a procedure for the investigation of all incidents
5 of harassment, intimidation, bullying, or threatening behavior
6 reported to school officials for the purpose of determining the
7 severity of the incidents and their potential to result in future
8 violence;
9 4. Establish a procedure whereby, upon completing an
10 investigation pursuant to paragraph 3 of this subsection, a school
11 may recommend that available community mental health care options be
12 provided to the student, if appropriate; and
13 5. Establish a procedure whereby a school may request the
14 disclosure of any information concerning students who have received
15 mental health care pursuant to paragraph 4 of this subsection that
16 indicates an explicit threat to the safety of students or school
17 personnel, provided the disclosure of the information does not
18 violate the requirements and provisions of the Family Educational
19 Rights and Privacy Act of 1974, the Health Insurance Portability and
20 Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma
21 Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any
22 other state or federal laws regarding the disclosure of confidential
23 information.
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1 In developing the policy, the district board of education shall
2 make an effort to involve the teachers, parents, and students
3 affected. The students, teachers, and parents or guardian of every
4 child residing within a school district shall be notified by the
5 district board of education of its adoption of the policy and shall
6 receive a copy upon request. Provided, the teacher of a child
7 attending a public school shall have the same right as a parent or
8 guardian to control and discipline such child according to district
9 policies during the time the child is in attendance or in transit to
10 or from the school or any other school function authorized by the
11 school district or classroom presided over by the teacher.

12 B. Except concerning students on individualized education plans
13 (IEP) pursuant to the Individuals with Disabilities Education Act
14 (IDEA), P.L. No. 101-476, the State Board of Education shall not
15 have authority to prescribe student disciplinary policies for school
16 districts or to proscribe corporal punishment in the public schools.
17 The State Board of Education shall not have authority to require
18 school districts to file student disciplinary action reports more
19 often than once each year and shall not use disciplinary action
20 reports in determining a school district's or school site's
21 eligibility for program assistance including competitive grants.

22 C. The board of education of each school district in this state
23 shall have the option of adopting a dress code for students enrolled
24 in the school district. The board of education of a school district

1 shall also have the option of adopting a dress code which includes
2 school uniforms.

3 D. The State Board of Education shall promulgate rules for
4 monitoring school districts for compliance with this section and
5 providing sanctions for noncompliance with this section.

6 SECTION 7. AMENDATORY 70 O.S. 2001, Section 24-100, as
7 amended by Section 4, Chapter 149, O.S.L. 2002, and as renumbered by
8 Section 5, Chapter 149, O.S.L. 2002 (70 O.S. Supp. 2007, Section 24-
9 100.5), is amended to read as follows:

10 Section 24-100.5 A. Due to the growing concern regarding
11 safety and the ever constant threat of violence in the public
12 schools, it is the intent of the Legislature that public schools and
13 families work together to combat this rising problem. Therefore,
14 beginning October 1, 1996, and every year thereafter, each public
15 school site shall establish a Safe School Committee to be composed
16 of at least ~~six (6)~~ seven (7) members. The Safe School Committee
17 shall be composed of an equal number of teachers, parents of the
18 children affected ~~and~~, students, and a school official who
19 participates in the investigation of reports of harassment,
20 intimidation, bullying, and threatening behavior as required by
21 subsection A of Section 24-100.4 of this title.

22 B. The Safe School Committee shall study and make
23 recommendations to the principal regarding:
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1 1. Unsafe conditions, possible strategies for students to avoid
2 harm at school, student victimization, crime prevention, school
3 violence, and other issues which prohibit the maintenance of a safe
4 school;

5 2. Student harassment, intimidation, and bullying at school;

6 3. Professional development needs of faculty and staff to
7 implement methods to decrease student harassment, intimidation, and
8 bullying; and

9 4. Methods to encourage the involvement of the community and
10 students, the development of individual relationships between
11 students and school staff, and use of problem-solving teams that
12 include counselors and/or school psychologists.

13 In its considerations, the Safe School Committee shall review
14 traditional and accepted harassment, intimidation, and bullying
15 prevention programs utilized by other states, state agencies, or
16 school districts.

17 C. The State Department of Education shall compile and
18 distribute to each public school site a list of research-based
19 programs appropriate for the prevention of harassment, intimidation,
20 and bullying of students at school. If a school district implements
21 a commercial bullying prevention program, it shall use a program
22 listed by the State Department of Education.

23 D. The provisions of this section shall not apply to technology
24 center schools.

1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 51.2a of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 Contingent upon the availability of designated funding from the
5 United States Department of Homeland Security, the Oklahoma Office
6 of Homeland Security shall make grant monies available to:

7 1. Public schools, private schools, and institutions of higher
8 learning in the State of Oklahoma to encourage greater emergency
9 preparedness, including, but not limited to, improvement of plans
10 and procedures for natural and man-made disaster and emergencies,
11 improvement of security on campus, at events, and with regard to
12 buses and other transportation, and improvement of communications
13 strategies and equipment; and

14 2. Local law enforcement, emergency management, disaster
15 relief, and public health entities in the State of Oklahoma to
16 encourage the active engagement of such entities with public
17 schools, private schools, and institutions of higher learning in
18 their efforts to improve emergency preparedness.

19 SECTION 9. AMENDATORY Section 4, Chapter 157, O.S.L.
20 2004, as amended by Section 1, Chapter 397, O.S.L. 2005 (74 O.S.
21 Supp. 2007, Section 51.3), is amended to read as follows:

22 Section 51.3 A. There are hereby created regional planning and
23 coordination advisory councils for homeland security. The Oklahoma
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1 Homeland Security Director shall designate the geographical
2 boundaries for each regional advisory council within the state.

3 B. Each regional advisory council shall be composed of the
4 following members:

- 5 1. A chief of a paid fire department;
- 6 2. A chief of a volunteer fire department;
- 7 3. A county sheriff;
- 8 4. A chief of a police department;
- 9 5. A physician or hospital administrator;
- 10 6. An emergency management coordinator;
- 11 7. An emergency medical services provider;
- 12 8. A veterinarian;
- 13 9. A representative of a state or local disaster relief agency;
- 14 10. A city manager or mayor;
- 15 11. A county commissioner;
- 16 12. A public health representative; ~~and~~
- 17 13. A Council of Government representative;
- 18 14. A representative of a public school district; and
- 19 15. A representative of an institution of higher learning.

20 C. The members of the regional advisory councils shall be
21 appointed by the Oklahoma Homeland Security Director. The Director
22 shall appoint from a list of nominees provided to the Director from
23 statewide associations or entities that represent the disciplines to
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1 be represented on the advisory councils. All members can be removed
2 for cause by the Director.

3 ~~C.~~ D. Each member of a regional advisory council shall reside
4 in or have employment duties within the region to be served by the
5 regional advisory council. Regional advisory council members shall
6 have staggered terms of office not exceeding three (3) years and may
7 be reappointed upon the expiration of a term.

8 ~~D.~~ E. Each regional advisory council shall meet at least twice
9 a year or more frequently at the discretion of the Director. The
10 Director or designee from the Oklahoma Office of Homeland Security
11 shall attend the meetings of the regional advisory councils. A
12 majority of the members of the regional advisory council shall
13 constitute a quorum. The Office of Homeland Security shall
14 establish policies and procedures regarding the operation of the
15 regional advisory councils.

16 ~~E.~~ F. The duties and responsibilities of each regional advisory
17 council shall be:

18 1. Assessing and documenting the needs of the region related to
19 homeland security;

20 2. Coordinating and cooperating with the Oklahoma Office of
21 Homeland Security to achieve the strategic objectives prescribed in
22 this act; and

23 3. Other duties and responsibilities as determined by the
24 Oklahoma Homeland Security Director.

