

ENROLLED SENATE
BILL NO. 1941

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

and

Blackwell and Collins of
the House

An Act relating to school security; creating the Oklahoma School Security Act; providing short title; 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 schools; amending 63 O.S. 2001, Section 681, as amended by Section 1, Chapter 329, O.S.L. 2003 (63 O.S. Supp. 2007, Section 681), which relates to school emergency procedures; requiring certain plans to be reviewed and updated annually; amending Section 1, Chapter 127, O.S.L. 2007, Section 2, Chapter 149, O.S.L. 2002, 70 O.S. 2001, Sections 6-114, as amended by Section 3, Chapter 149, O.S.L. 2002, and as renumbered by Section 5, Chapter 149, O.S.L. 2002 and 24-100, as amended by Section 4, Chapter 149, O.S.L. 2002, and as renumbered by Section 5, Chapter 149, O.S.L. 2002 (70 O.S. Supp. 2007, Sections 5-148, 24-100.3, 24-100.4 and 24-100.5), which relate to school lockdown drills, school bullying, school disciplinary policies, and Safe School Committees; requiring schools to conduct two lockdown drills each year; expanding certain definition; defining additional terms; requiring certain policy to include investigation of certain incidents; prohibiting harassment, intimidation or bullying by electronic communication; defining scope of prohibited electronic communication; requiring a procedure for certain investigation; requiring a

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.

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

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

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

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

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

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

Section 681. School authorities of the State of Oklahoma, its political subdivisions, and its school districts are authorized to plan, design, and construct new school buildings and make additions to existing school buildings that afford protection for the anticipated school body, faculty, and visitors against tornadoes and severe weather. Each school, administration building and institution of higher learning shall have written plans and procedures in place for protecting students, faculty, administrators and visitors from natural and man-made disasters and emergencies. Plans shall be reviewed and updated annually as appropriate by each school, administration building and institution of higher learning, and placed on file at each school district and each local emergency management organization within the district. Each school district and institution of higher learning shall make annual reports to the local school board or Board of Regents detailing the status of emergency preparedness and identified safety needs for each school or institution.

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

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

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

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

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

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

C. As used in the School Bullying Prevention Act:

1. "Harassment, intimidation, and bullying" means any gesture, written or verbal expression, electronic communication, or physical act that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. "Harassment, intimidation, and bullying" include, but are not limited to, a

~~gesture or gestures~~, written, verbal, or physical ~~act~~ acts, or electronic communications; and

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

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

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

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

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

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

1. Specifically prohibit threatening behavior, harassment, intimidation, and bullying by students at school and address by electronic communication, whether or not such communication originated at school or with school equipment, if the communication is specifically directed at students or school personnel and concerns harassment, intimidation, or bullying at school;

2. Address prevention of and education about such behavior;

3. Establish a procedure for the investigation of all incidents of harassment, intimidation, bullying, or threatening behavior reported to school officials for the purpose of determining the severity of the incidents and their potential to result in future violence;

4. Establish a procedure whereby, upon completing an investigation pursuant to paragraph 3 of this subsection, a school may recommend that available community mental health care options be provided to the student, if appropriate; and

5. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health care pursuant to paragraph 4 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions of the Family Educational Rights and Privacy Act of 1974, the Health Insurance Portability and Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.

In developing the policy, the district board of education shall make an effort to involve the teachers, parents, and students affected. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of its adoption of the policy and shall receive a copy upon request. Provided, the teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child according to district policies during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.

B. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools.

The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district's or school site's eligibility for program assistance including competitive grants.

C. The board of education of each school district in this state shall have the option of adopting a dress code for students enrolled in the school district. The board of education of a school district shall also have the option of adopting a dress code which includes school uniforms.

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

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

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

B. The Safe School Committee shall study and make recommendations to the principal regarding:

1. Unsafe conditions, possible strategies for students to avoid harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;

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

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

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

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

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

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

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

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

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

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

SECTION 9. AMENDATORY 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), is amended to read as follows:

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

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

1. A chief of a paid fire department;
2. A chief of a volunteer fire department;
3. A county sheriff;
4. A chief of a police department;
5. A physician or hospital administrator;
6. An emergency management coordinator;
7. An emergency medical services provider;
8. A veterinarian;
9. A representative of a state or local disaster relief agency;
10. A city manager or mayor;
11. A county commissioner;
12. A public health representative; and

13. A Council of Government representative;

14. A representative of a public school district; and

15. A representative of an institution of higher learning.

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

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

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

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

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

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

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

SECTION 10. This act shall become effective November 1, 2008.

Passed the Senate the 14th day of May, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2008.

Presiding Officer of the House
of Representatives