

ESB 1941

THE HOUSE OF REPRESENTATIVES  
Thursday, April 10, 2008

ENGROSSED

Senate Bill No. 1941

As Amended

ENGROSSED SENATE BILL NO. 1941 - By: LAMB, GARRISON, BALLENGER,  
NICHOLS AND LEFTWICH of the Senate and BLACKWELL of the House.

( schools - creating the Oklahoma School Security Act - providing boards of  
education with the option to provide polling places in schools - school  
emergency procedures - school lockdown drills, school bullying, school  
disciplinary policies, and Safe School Committees - directing Oklahoma Office  
of Homeland Security to make grants available to certain educational entities  
and certain public safety entities - regional advisory councils – codification –  
noncodification -  
effective date )

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

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

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

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

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

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

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

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

19 Section 5-148. Each district board of education shall ensure that a minimum of ~~one~~  
20 three (3) lockdown drill is drills are conducted at each public school within the district  
21 each school year. No lockdown drill shall be conducted at the same time of day as a  
22 previous lockdown drill conducted in the same school year, and no more than two (2)

1 lockdown drills shall be conducted in one semester. Additional drills may be conducted  
2 at the discretion of the district. Lockdown drills shall be conducted for the purpose of  
3 securing school buildings to prevent or mitigate injuries or deaths that may result from a  
4 threat on or near the school. The drills shall conform to the written plans and  
5 procedures adopted by the district as required by Section 681 of Title 63 of the Oklahoma  
6 Statutes. All students and employees shall participate in the drills, with the extent of  
7 student involvement to be determined by the district.

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

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

12 Section 24-100.3 A. The Legislature finds that bullying has a negative effect on  
13 the social environment of schools, creates a climate of fear among students, inhibits  
14 their ability to learn, and leads to other antisocial behavior. Bullying behavior has been  
15 linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping  
16 and dropping out of school, fighting, and the use of drugs and alcohol. Research has  
17 shown that sixty percent (60%) of males who were bullies in grades six through nine  
18 were convicted of at least one crime as adults, and thirty-five percent (35%) to forty  
19 percent (40%) of these former bullies had three or more convictions by twenty-four (24)  
20 years of age. Successful programs to recognize, prevent, and effectively intervene in  
21 bullying behavior have been developed and replicated in schools across the country.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 These schools send the message that bullying behavior is not tolerated and, as a result,  
2 have improved safety and created a more inclusive learning environment.

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

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

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

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

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

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

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

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

9        Section 24-100.4 A. Each district board of education shall adopt a policy for the  
10 control and discipline of all children attending public school in that district, and for the  
11 evaluation of reported incidents of harassment, intimidation, bullying, or threatening  
12 behavior. Such policy shall provide options for the methods of control and discipline of  
13 the students, options for the referral of students to such mental health counseling or  
14 social services as may be available to the school pursuant to Section 24-100.1 of this  
15 title, and shall define standards of conduct to which students are expected to conform.

16 The policy shall ~~specifically~~:

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

22        2. Address prevention of and education about such behavior;

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

5           4. Establish a procedure whereby, upon completing an evaluation pursuant to  
6 paragraph 3 of this subsection, a school may recommend students for such mental  
7 health counseling or social services as may be available to the school pursuant to  
8 Section 24-100.1 of this title, provided such procedure complies with the provisions of  
9 Section 11-107 of this title; and

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

19           In developing the policy, the district board of education shall make an effort to  
20 involve the teachers, parents, and students affected. The students, teachers, and parents  
21 or guardian of every child residing within a school district shall be notified by the district  
22 board of education of its adoption of the policy and shall receive a copy upon request.

1 Provided, the teacher of a child attending a public school shall have the same right as a  
2 parent or guardian to control and discipline such child according to district policies  
3 during the time the child is in attendance or in transit to or from the school or any other  
4 school function authorized by the school district or classroom presided over by the  
5 teacher.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and other transportation, and improvement of communications strategies and  
2 equipment; and

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

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

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

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

- 15 1. A chief of a paid fire department;
- 16 2. A chief of a volunteer fire department;
- 17 3. A county sheriff;
- 18 4. A chief of a police department;
- 19 5. A physician or hospital administrator;
- 20 6. An emergency management coordinator;
- 21 7. An emergency medical services provider;
- 22 8. A veterinarian;

1 9. A representative of a state or local disaster relief agency;

2 10. A city manager or mayor;

3 11. A county commissioner;

4 12. A public health representative; ~~and~~

5 13. A Council of Government representative;

6 14. A representative of a public school district; and

7 15. A representative of an institution of higher learning.

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

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

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

- 1 E. The duties and responsibilities of each regional advisory council shall be:
- 2 1. Assessing and documenting the needs of the region related to homeland security;
- 3 2. Coordinating and cooperating with the Oklahoma Office of Homeland Security to
- 4 achieve the strategic objectives prescribed in this act; and
- 5 3. Other duties and responsibilities as determined by the Oklahoma Homeland
- 6 Security Director.

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

8 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 04-09-08 - DO

9 PASS, As Amended.