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THE STATE SENATE
Thursday, February 21, 2008

Senate Bill No. 1941
As Amended

SENATE BILL NO. 1941 - By: LAMB of the Senate and BLACKWELL of the House.

[school security - lockdown drills - bullying - codification - noncodification - 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, 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

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

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

19 Section 5-148. Each district board of education shall ensure
20 that a minimum of ~~one~~ three (3) lockdown ~~drill is~~ drills are
21 conducted at each public school within the district each school
22 year. Additional drills may be conducted at the discretion of the
23 district. Lockdown drills shall be conducted for the purpose of

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

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

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

13 Section 24-100.3 A. The Legislature finds that bullying has a
14 negative effect on the social environment of schools, creates a
15 climate of fear among students, inhibits their ability to learn, and
16 leads to other antisocial behavior. Bullying behavior has been
17 linked to other forms of antisocial behavior, such as vandalism,
18 shoplifting, skipping and dropping out of school, fighting, and the
19 use of drugs and alcohol. Research has shown that sixty percent
20 (60%) of males who were bullies in grades six through nine were
21 convicted of at least one crime as adults, and thirty-five percent
22 (35%) to forty percent (40%) of these former bullies had three or
23 more convictions by twenty-four (24) years of age. Successful

1 programs to recognize, prevent, and effectively intervene in
2 bullying behavior have been developed and replicated in schools
3 across the country. These schools send the message that bullying
4 behavior is not tolerated and, as a result, have improved safety and
5 created a more inclusive learning environment.

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

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

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

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

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

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

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

15 SECTION 6. AMENDATORY 70 O.S. 2001, Section 6-114, as
16 amended by Section 3, Chapter 149, O.S.L. 2002, and as renumbered by
17 Section 5, Chapter 149, O.S.L. 2002 (70 O.S. Supp. 2007, Section 24-
18 100.4), is amended to read as follows:

19 Section 24-100.4. A. Each district board of education shall
20 adopt a policy for the control ~~and~~ discipline, and evaluation of
21 all children attending public school in that district. Such policy
22 shall provide options for the methods of control and discipline of
23 the students, options for the referral of students or school

1 personnel to such mental health counseling or social services as may
2 be available to the school pursuant to Section 24-100.1 of this
3 title, and shall define standards of conduct to which students are
4 expected to conform. The policy shall specifically:

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

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

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

16 4. Establish a procedure whereby, upon completing an evaluation
17 pursuant to paragraph 3 of this subsection, a school may recommend
18 students or school personnel for such mental health counseling or
19 social services as may be available to the school pursuant to
20 Section 24-100.1 of this title, provided such procedure complies
21 with the provisions of Section 11-107 of this title; and

22 5. Establish a procedure whereby a school may request the
23 disclosure of any information concerning students or school

1 personnel who have received social services or mental health
2 counseling pursuant to paragraph 4 of this subsection that indicates
3 an explicit threat to the safety of students or school personnel,
4 provided the disclosure of such information does not violate the
5 requirements and provisions of the Family Educational Rights and
6 Privacy Act of 1974, the Health Insurance Portability and
7 Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma
8 Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any
9 other state or federal laws regarding the disclosure of confidential
10 information.

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

22 B. Except concerning students on individualized education plans
23 (IEP) pursuant to the Individuals with Disabilities Education Act

1 (IDEA), P.L. No. 101-476, the State Board of Education shall not
2 have authority to prescribe student disciplinary policies for school
3 districts or to proscribe corporal punishment in the public schools.
4 The State Board of Education shall not have authority to require
5 school districts to file student disciplinary action reports more
6 often than once each year and shall not use disciplinary action
7 reports in determining a school district's or school site's
8 eligibility for program assistance including competitive grants.

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

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

17 SECTION 7. AMENDATORY 70 O.S. 2001, Section 24-100, as
18 amended by Section 4, Chapter 149, O.S.L. 2002, and as renumbered by
19 Section 5, Chapter 149, O.S.L. 2002 (70 O.S. Supp. 2007, Section 24-
20 100.5), is amended to read as follows:

21 Section 24-100.5 A. Due to the growing concern regarding
22 safety and the ever constant threat of violence in the public
23 schools, it is the intent of the Legislature that public schools and

1 families work together to combat this rising problem. Therefore,
2 beginning October 1, 1996, and every year thereafter, each public
3 school site shall establish a Safe School Committee to be composed
4 of at least ~~six (6)~~ seven (7) members. The Safe School Committee
5 shall be composed of an equal number of teachers, parents of the
6 children affected ~~and,~~ students, and a school official who
7 participates in the evaluation of reports of harassment,
8 intimidation, bullying, and threatening behavior as required by
9 subsection A of Section 6-114 of this title.

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

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

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

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

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

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

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

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

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

16 The Oklahoma Office of Homeland Security shall make grant monies
17 available to:

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

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

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

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

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

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

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

- 1 8. A veterinarian;
- 2 9. A representative of a state or local disaster relief agency;
- 3 10. A city manager or mayor;
- 4 11. A county commissioner;
- 5 12. A public health representative; ~~and~~
- 6 13. A Council of Government representative;
- 7 14. A representative of a public school district; and
- 8 15. A representative of an institution of higher learning.

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

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

20 D. Each regional advisory council shall meet at least twice a
21 year or more frequently at the discretion of the Director. The
22 Director or designee from the Oklahoma Office of Homeland Security
23 shall attend the meetings of the regional advisory councils. A

1 majority of the members of the regional advisory council shall
2 constitute a quorum. The Office of Homeland Security shall
3 establish policies and procedures regarding the operation of the
4 regional advisory councils.

5 E. The duties and responsibilities of each regional advisory
6 council shall be:

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

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-18-08 - DO
16 PASS, As Amended and Coauthored.