

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1636

By: Pittman

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 6-114, as renumbered by Section 5, Chapter
9 149, O.S.L. 2002, and as last amended by Section 6,
10 Chapter 216, O.S.L. 2008 (70 O.S. Supp. 2008, Section
11 24-100.4), which relates to the control and
12 discipline of children attending public school;
13 clarifying statutory language; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-114, as
17 renumbered by Section 5, Chapter 149, O.S.L. 2002, and as last
18 amended by Section 6, Chapter 216, O.S.L. 2008 (70 O.S. Supp. 2008,
19 Section 24-100.4), is amended to read as follows:

20 Section 24-100.4 A. Each district board of education shall
21 adopt a policy for the control and discipline of all children
22 attending public school in that district, and for the investigation
23 of reported incidents of harassment, intimidation, bullying, or
24 threatening behavior. ~~Such~~ The policy shall provide options for the
methods of control and discipline of the students and shall define

1 standards of conduct to which students are expected to conform. The
2 policy shall:

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

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

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

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

19 5. Establish a procedure whereby a school may request the
20 disclosure of any information concerning students who have received
21 mental health care pursuant to paragraph 4 of this subsection that
22 indicates an explicit threat to the safety of students or school
23 personnel, provided the disclosure of the information does not
24 violate the requirements and provisions of the Family Educational

1 Rights and Privacy Act of 1974, the Health Insurance Portability and
2 Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma
3 Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any
4 other state or federal laws regarding the disclosure of confidential
5 information.

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

18 B. Except concerning students on individualized education plans
19 (IEP) pursuant to the Individuals with Disabilities Education Act
20 (IDEA), P.L. No. 101-476, the State Board of Education shall not
21 have authority to prescribe student disciplinary policies for school
22 districts or to proscribe corporal punishment in the public schools.
23 The State Board of Education shall not have authority to require
24 school districts to file student disciplinary action reports more

1 often than once each year and shall not use disciplinary action
2 reports in determining a school district's or school site's
3 eligibility for program assistance including competitive grants.

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

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

12 SECTION 2. This act shall become effective November 1, 2009.

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