

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1758

By: Enns

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 1210.541, as amended by Section 3, Chapter
9 428, O.S.L. 2003 (70 O.S. Supp. 2008, Section
10 1210.541), which relates to student performance
11 levels and accountability system; requiring local
12 school districts to adopt school uniform dress codes
13 for certain schools identified as in need of
14 improvement; amending 70 O.S. 2001, Section 6-114, as
15 renumbered by Section 5, Chapter 149, O.S.L. 2002,
16 and as last amended by Section 6, Chapter 216, O.S.L.
17 2008 (70 O.S. Supp. 2008, Section 24-100.4), which
18 relates to the School Bullying Prevention Act;
19 providing option for certain students to attend
20 student adjustment centers; and providing an
21 effective date.

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

23 SECTION 1. AMENDATORY 70 O.S. 2001, Section 1210.541, as
24 amended by Section 3, Chapter 428, O.S.L. 2003 (70 O.S. Supp. 2008,
25 Section 1210.541), is amended to read as follows:

26 Section 1210.541 A. The State Board of Education shall
27 determine and adopt a series of student performance levels for the
28 criterion-referenced tests administered pursuant to the Oklahoma
29 School Testing Program Act, Section 1210.505 et seq. of this title.

1 The performance levels shall be set by a method similar to that used
2 for the achievement levels on the National Assessment of Educational
3 Progress. The State Board of Education shall ensure that the
4 criterion-referenced tests developed and administered pursuant to
5 the Oklahoma School Testing Program Act in grades three through
6 eight are vertically aligned by content across grade levels to
7 ensure consistency, continuity, alignment and clarity. Student
8 performance levels shall be labeled: advanced, satisfactory,
9 limited knowledge, and unsatisfactory.

10 B. The State Board of Education shall develop and implement in
11 accordance with the Elementary and Secondary Education Act of 2001
12 (ESEA), P.L. No. 107-110, also known as the No Child Left Behind Act
13 of 2001, an accountability system as provided for in 20 U.S.C., 6311
14 and any related federal regulations. The accountability system
15 shall be implemented beginning with the 2002-2003 school year and
16 shall be based on the Academic Performance Index data as established
17 pursuant to Section 3-150 of this title and as modified to meet the
18 mandates of the ESEA. For the 2002-2003 school year and every year
19 thereafter the State Board of Education shall publish and ensure
20 that each local education agency is provided with Academic
21 Performance Index data annually by site and by district so that the
22 local education agency can make Adequate Yearly Progress
23 determinations to identify schools for rewards and sanctions. The
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1 State Board of Education shall establish a system of recognition,
2 rewards, sanctions and technical assistance.

3 C. If a school that does not make Adequate Yearly Progress for
4 three (3) consecutive years, as Adequate Yearly Progress is defined
5 by the accountability system developed by the State Board of
6 Education pursuant to this section, because of failure to meet
7 either an academic performance target or an attendance or graduation
8 performance target, or both, and is identified for school
9 improvement, then the local school district shall be required to
10 adopt a school uniform dress code for that school. When the school
11 is no longer identified as a school in need of improvement, the
12 local school district may determine whether to retain the school
13 uniform dress code.

14 SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-114, as
15 renumbered by Section 5, Chapter 149, O.S.L. 2002, and as last
16 amended by Section 6, Chapter 216, O.S.L. 2008 (70 O.S. Supp. 2008,
17 Section 24-100.4), is amended to read as follows:

18 Section 24-100.4 A. Each district board of education shall
19 adopt a policy for the control and discipline of all children
20 attending public school in that district, and for the investigation
21 of reported incidents of harassment, intimidation, bullying, or
22 threatening behavior. Such policy shall provide options for the
23 methods of control and discipline of the students and shall define
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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 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 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 child according to district
14 policies during the time the child is in attendance or in transit to
15 or from the school or any other school function authorized by the
16 school district or classroom presided over by the teacher.

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

1 reports in determining a school district's or school site's
2 eligibility for program assistance including competitive grants.

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

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

11 E. Each district board of education shall have the option of
12 requiring students with behavioral problems to attend student
13 adjustment centers. Student adjustment centers may be built as
14 separate facilities in order to separate students with behavioral
15 problems from those students in regular school buildings.

16 SECTION 3. This act shall become effective November 1, 2009.

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