

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2018

By: Coody

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 24-100.4, as amended by Section 6, Chapter
9 216, O.S.L. 2008 (70 O.S. Supp. 2008, Section 24-
10 100.4); clarifying language; and providing an
11 effective date.

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

13 SECTION 1. AMENDATORY 70 O.S. 2001, Section 24-100.4,
14 as last amended by Section 6, Chapter 216, O.S.L. 2008 (70 O.S.
15 Supp. 2008, Section 24-100.4, is amended to read as follows:

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

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

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

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

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

17 5. Establish a procedure whereby a school may request the
18 disclosure of any information concerning students who have received
19 mental health care pursuant to paragraph 4 of this subsection that
20 indicates an explicit threat to the safety of students or school
21 personnel, provided the disclosure of the information does not
22 violate the requirements and provisions of the Family Educational
23 Rights and Privacy Act of 1974, the Health Insurance Portability and
24 Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma

1 Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any
2 other state or federal laws regarding the disclosure of confidential
3 information.

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

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

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

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

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

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11 52-1-5797 AM 01/06/09

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