

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1725

By: Garrison

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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. 2009, Section  
11 24-100.4), which relates to the School Bullying  
12 Prevention Act; specifying certain requirements upon  
13 administration of corporal punishment; and providing  
14 an 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. 2009,  
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 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 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 Districts that utilize corporal punishment shall ensure that when  
23 such measures are administered upon a female student enrolled in  
24 grade three or higher, the punishment shall be administered by a

1 certified employee of the district who is of the same gender as the  
2 student receiving the punishment and shall require the presence of  
3 another certified employee who shall observe the administration of  
4 such punishment. The State Board of Education shall not have  
5 authority to require school districts to file student disciplinary  
6 action reports more often than once each year and shall not use  
7 disciplinary action reports in determining a school district's or  
8 school site's eligibility for program assistance including  
9 competitive grants.

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

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

18 SECTION 2. This act shall become effective July 1, 2010.

19 SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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