

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1461

By: Denney, McDaniel (Jeannie)
and Sherrer of the House

4 and

5 Halligan of the Senate

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7
8
9 An Act relating to schools; amending Section 2,
10 Chapter 149, O.S.L. 2002, as amended by Section 5,
Chapter 216, O.S.L. 2008, 70 O.S. 2001, Sections 6-
11 114 and 24-100, as renumbered by Section 5, Chapter
149, O.S.L. 2002, and as last amended by Sections 6
12 and 7, Chapter 216, O.S.L. 2008 (70 O.S. Supp. 2010,
Sections 24-100.3, 24-100.4 and 24-100.5), which
relate to the School Bullying Prevention Act;
13 expanding statement of findings; modifying
definitions; deleting limitation on liability for
14 school districts; modifying requirement for school
districts to adopt a control and discipline policy;
15 requiring policies to contain or establish certain
procedures, requirements and statements, to identify
16 certain persons and to address prevention in a
certain manner; modifying certain required
17 procedures; including certain additional persons in
development of a policy; providing for implementation
18 of a policy in a certain manner; modifying and adding
duties of the State Board of Education; updating
19 statutory language; adding certain persons to the
Safe School Committee; modifying description of
20 certain responsibility of the Committee; deleting
exception for technology center schools; providing an
21 effective date; and declaring an emergency.

22 AUTHORS: Add the following Senate Coauthors: Johnson (Constance),
Garrison and Eason McIntyre

23 AUTHOR: Add the following House Coauthor: Pittman
24

1 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

2 "[schools - School Bullying Prevention Act - policy
3 - effective date -
4 emergency]

5
6
7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

8 SECTION 1. AMENDATORY Section 2, Chapter 149, O.S.L.
9 2002, as amended by Section 5, Chapter 216, O.S.L. 2008 (70 O.S.
10 Supp. 2010, Section 24-100.3), is amended to read as follows:

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

1 schools send the message that bullying behavior is not tolerated
2 and, as a result, have improved safety and created a more inclusive
3 learning environment.

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

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

10 1. "Harassment, intimidation, ~~and~~ bullying or cyber bullying"
11 means any direct or indirect continual pattern of physical, verbal
12 or psychological intimidation, harassment, or abuse manifested by an
13 obviously threatening gesture, written or verbal expression,
14 electronic communication, or physical act ~~that a reasonable person~~
15 ~~should know will harm another student, damage another student's~~
16 ~~property, place another student in reasonable fear of harm to the~~
17 ~~student's person or damage to the student's property, or insult or~~
18 ~~demean any student or group of students in such a way as to disrupt~~
19 ~~or interfere with the school's educational mission or the education~~
20 ~~of any student. "Harassment, intimidation, and bullying" include,~~
21 ~~but are not limited to, gestures, written, verbal, or physical acts,~~
22 ~~or electronic communications~~ directed toward a student or group of
23 students or about a student or group of students that is reasonably
24 perceived as being done with the intent to cause negative

1 educational, physical, mental, emotional, social, or economic
2 results for the targeted individual or group;

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

6 3. "Electronic communication" means the communication of any
7 written, verbal, ~~or~~ pictorial information or video content by means
8 of an electronic device, including, but not limited to, a telephone,
9 a mobile or cellular telephone, paggers, or other wireless
10 telecommunication device, or a computer which communication includes
11 but is not limited to e-mail, instant messaging, text messages,
12 blogs, online games and Internet websites, whether or not the
13 conduct or communication originated at school or with school
14 equipment or during school hours; and

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

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

21 SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-114, as
22 renumbered by Section 5, Chapter 149, O.S.L. 2002, and as last
23 amended by Section 6, Chapter 216, O.S.L. 2008 (70 O.S. Supp. 2010,
24 Section 24-100.4), is amended to read as follows:

1 Section 24-100.4 A. Each district board of education shall
2 adopt a policy for the control and discipline of all children
3 attending public school in that district, and for the investigation
4 of reported incidents of ~~harassment, intimidation, bullying, or~~
5 threatening behavior. ~~Such~~ The policy shall provide options for the
6 methods of control and discipline of the students and shall define
7 standards of conduct to which students are expected to conform. The
8 policy shall:

9 1. Specifically prohibit ~~threatening behavior,~~ harassment,
10 intimidation, ~~and bullying by students at school and by electronic~~
11 ~~communication, whether or not such communication originated at~~
12 ~~school or with school equipment, if the communication is~~
13 ~~specifically directed at students or school personnel and concerns~~
14 ~~harassment, intimidation, or bullying at school~~ or cyber bullying as
15 defined in Section 24-100.3 of this title;

16 2. Contain a procedure for reporting an act of harassment,
17 intimidation, bullying or cyber bullying to a school official,
18 including a provision that permits a person to report an act
19 anonymously. No formal disciplinary action shall be taken solely on
20 the basis of an anonymous report;

21 3. Contain a requirement that any school employee that has
22 reliable information that would lead a reasonable person to suspect
23 that a person is a target of harassment, intimidation, bullying or
24

1 cyber bullying shall immediately report it to the principal or a
2 designee of the principal;

3 4. Contain a statement of how the policy is to be publicized
4 including a requirement that:

5 a. an annual written notice of the policy be provided to
6 parents, guardians, staff, volunteers and students,
7 with age-appropriate language for students,

8 b. notice of the policy be posted at various locations
9 within each school site, including but not limited to
10 cafeterias, school bulletin boards, and administration
11 offices,

12 c. the policy be posted on the Internet website for the
13 school district and each school site that has an
14 Internet website, and

15 d. the policy be included in all student and employee
16 handbooks;

17 5. Contain a procedure for providing timely notification after
18 an incident to the parents or guardian of a victim of harassment,
19 intimidation, bullying or cyber bullying and the parents or guardian
20 of the perpetrator of the harassment, intimidation, bullying or
21 cyber bullying;

22 6. Identify by job title the school official responsible for
23 implementing and enforcing the policy;
24

1 7. Contain procedures for reporting to law enforcement all acts
2 of harassment, intimidation, bullying or cyber bullying which may
3 constitute criminal activity;

4 8. Require annual training for administrators, school employees
5 and volunteers who have significant contact with students in
6 preventing, identifying, responding to and reporting incidents of
7 harassment, intimidation, bullying or cyber bullying. In addition,
8 individual school sites shall be encouraged to form bullying
9 prevention task forces, programs, and other initiatives involving
10 administrators, school employees, volunteers, students, parents, law
11 enforcement, community members and other stakeholders;

12 9. Provide for an educational program for students and parents
13 in preventing, identifying, responding to and reporting incidents of
14 harassment, intimidation, bullying or cyber bullying;

15 10. Address prevention ~~of and education about such behavior~~ by
16 containing:

17 a. consequences and appropriate remedial action for a
18 person who commits an act of harassment, intimidation,
19 bullying or cyber bullying,

20 b. consequences and appropriate remedial action for a
21 student found to have falsely accused another as a
22 means of retaliation, reprisal or as a means of
23 harassment, intimidation, bullying or cyber bullying,
24 and

1 c. a strategy for providing counseling or referral to
2 appropriate services, including guidance, academic
3 intervention, and other protection for students, both
4 targets and perpetrators, and appropriate family
5 members affected by harassment, intimidation, bullying
6 or cyber bullying, as necessary;

7 ~~3.~~ 11. Establish a procedure for ~~the investigation of:~~

8 a. each school to investigate and document all incidents
9 of harassment, intimidation, bullying, or ~~threatening~~
10 ~~behavior~~ cyber bullying reported to school officials
11 ~~for the purpose of determining,~~

12 b. identifying the principal or a designee of the
13 principal as the person responsible for investigating
14 incidents of harassment, intimidation, bullying or
15 cyber bullying,

16 c. reporting all incidents of harassment, intimidation,
17 bullying or cyber bullying and the resulting
18 consequences, including discipline and referrals to
19 the board of education on a semiannual basis, and

20 d. determining in a reasonable manner the severity of the
21 incidents and their potential to result in future
22 violence;

23 ~~4.~~ 12. Establish a procedure whereby, upon completing an
24 investigation ~~pursuant to paragraph 3 of this subsection~~ of

1 harassment, intimidation, bullying or cyber bullying or threatening
2 behavior, a school may recommend that available community mental
3 health care, substance abuse or other counseling options be provided
4 to the student, if appropriate; and

5 5. 13. Establish a procedure whereby a school may request the
6 disclosure of any information concerning students who have received
7 mental health, substance abuse, or other care pursuant to paragraph
8 4 12 of this subsection that indicates an explicit threat to the
9 safety of students or school personnel, provided the disclosure of
10 the information does not violate the requirements and provisions of
11 the Family Educational Rights and Privacy Act of 1974, the Health
12 Insurance Portability and Accountability Act of 1996, Section 2503
13 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
14 the Oklahoma Statutes, or any other state or federal laws regarding
15 the disclosure of confidential information.

16 B. In developing the discipline policy, the district board of
17 education shall make an effort to involve the teachers, parents,
18 administrators, school staff, school volunteers, community
19 representatives, local law enforcement agencies and students
20 affected. ~~The students, teachers, and parents or guardian of every~~
21 ~~child residing within a school district shall be notified by the~~
22 ~~district board of education of its adoption of the policy and shall~~
23 ~~receive a copy upon request. Provided, the~~ The school district
24 discipline policy shall be implemented in a manner that is ongoing

1 throughout the school year and is integrated with the curriculum and
2 other violence prevention efforts.

3 C. The teacher of a child attending a public school shall have
4 the same right as a parent or guardian to control and discipline
5 such child according to district policies during the time the child
6 is in attendance or in transit to or from the school or any other
7 school function authorized by the school district or classroom
8 presided over by the teacher.

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

19 ~~C.~~ E. The board of education of each school district in this
20 state shall have the option of adopting a dress code for students
21 enrolled in the school district. The board of education of a school
22 district shall also have the option of adopting a dress code which
23 includes school uniforms.

24 ~~D.~~ F. The State Board of Education shall ~~promulgate:~~

1 1. Promulgate rules for periodically monitoring school
2 districts for compliance with this section and providing sanctions
3 for noncompliance with this section;

4 2. Develop a model policy and training materials on the
5 components that should be included in a school district bullying
6 prevention policy;

7 3. Compile and make available to all school districts a list of
8 programs appropriate for the prevention of harassment, intimidation,
9 bullying or cyber bullying;

10 4. Establish and maintain a central repository for the
11 collection and analysis of information regarding harassment,
12 intimidation, bullying or cyber bullying; and

13 5. Report to the Speaker of the Oklahoma House of
14 Representatives, the President Pro Tempore of the State Senate and
15 the Governor annually on the current levels and nature of
16 harassment, intimidation, bullying or cyber bullying in the public
17 schools in the state, the effectiveness of school policies
18 implemented under the School Bullying Prevention Act in combating
19 harassment, intimidation, bullying or cyber bullying, and
20 recommendations for appropriate actions to address identified
21 problems.

22 SECTION 3. AMENDATORY 70 O.S. 2001, Section 24-100, as
23 renumbered by Section 5, Chapter 149, O.S.L. 2002, and as last
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1 amended by Section 7, Chapter 216, O.S.L. 2008 (70 O.S. Supp. 2010,
2 Section 24-100.5), is amended to read as follows:

3 Section 24-100.5 A. Due to the growing concern regarding
4 safety and the ever constant threat of violence in the public
5 schools, it is the intent of the Legislature that public schools and
6 families work together to combat this rising problem. Therefore,
7 ~~beginning October 1, 1996, and every year thereafter,~~ each public
8 school site shall establish a Safe School Committee to be composed
9 of at least seven (7) members. The Safe School Committee shall be
10 composed of an equal number of teachers, parents of the children
11 affected, students, administrators, school staff, school volunteers,
12 community representatives, local law enforcement agencies and a
13 school official who participates in the investigation of reports of
14 harassment, intimidation, bullying, cyber bullying and threatening
15 behavior as required by ~~subsection A of~~ Section 24-100.4 of this
16 title.

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

19 1. Unsafe conditions, possible strategies for students to avoid
20 harm at school, student victimization, crime prevention, school
21 violence, and other issues which prohibit the maintenance of a safe
22 school;

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1 2. Student harassment, intimidation, ~~and bullying at school,~~
2 teen dating violence or cyber bullying as defined in Section 24-
3 100.3 of this title;

4 3. Professional development needs of faculty and staff to
5 implement methods to decrease student harassment, intimidation, ~~and~~
6 bullying or cyber bullying; and

7 4. Methods to encourage the involvement of the community and
8 students, the development of individual relationships between
9 students and school staff, and use of problem-solving teams that
10 include counselors and/or school psychologists.

11 In its considerations, the Safe School Committee shall review
12 traditional and accepted harassment, intimidation, and bullying
13 prevention programs utilized by other states, state agencies, or
14 school districts.

15 C. The State Department of Education shall compile and
16 distribute to each public school site a list of research-based
17 programs appropriate for the prevention of harassment, intimidation,
18 and bullying of students at school. If a school district implements
19 a commercial bullying prevention program, it shall use a program
20 listed by the State Department of Education.

21 ~~D. The provisions of this section shall not apply to technology~~
22 ~~center schools.~~

23 SECTION 4. This act shall become effective July 1, 2011.

