

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1461

6 By: Denney

7 COMMITTEE SUBSTITUTE

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

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

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

4 Section 24-100.3 A. The Legislature finds that bullying has a
5 negative effect on the social environment of schools, creates a
6 climate of fear among students, inhibits their ability to learn, and
7 leads to other antisocial behavior. Bullying behavior has been
8 linked to other forms of antisocial behavior, such as vandalism,
9 shoplifting, skipping and dropping out of school, fighting, ~~and~~ the
10 use of drugs and alcohol, violent assault and battery, homicide and
11 suicide. Research has shown that sixty percent (60%) of males who
12 were bullies in grades six through nine were convicted of at least
13 one crime as adults, and thirty-five percent (35%) to forty percent
14 (40%) of these former bullies had three or more convictions by
15 twenty-four (24) years of age. Successful programs to recognize,
16 prevent, and effectively intervene in bullying behavior have been
17 developed and replicated in schools across the country. These
18 schools send the message that bullying behavior is not tolerated
19 and, as a result, have improved safety and created a more inclusive
20 learning environment.

21 B. The purpose of the School Bullying Prevention Act is to
22 provide a comprehensive approach for the public schools of this
23 state to create an environment free of unnecessary disruption which
24

1 is conducive to the learning process by implementing policies for
2 the prevention of harassment, intimidation, and bullying.

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

4 1. "Harassment, intimidation, ~~and bullying~~ or cyber bullying"

5 means any gesture, written or verbal expression, electronic

6 communication, or physical act ~~that a reasonable person should know~~

7 ~~will harm another student, damage another student's property, place~~

8 ~~another student in reasonable fear of harm to the student's person~~

9 ~~or damage to the student's property, or insult or demean any student~~

10 ~~or group of students in such a way as to disrupt or interfere with~~

11 ~~the school's educational mission or the education of any student.~~

12 ~~"Harassment, intimidation, and bullying" include, but are not~~

13 ~~limited to, gestures, written, verbal, or physical acts, or~~

14 ~~electronic communications~~ directed toward a student or group of

15 students or about a student or group of students that is reasonably

16 perceived as being done with the intent to:

17 a. physically or emotionally harm a student or damage the

18 property of a student or to place a student in

19 reasonable fear of physical or emotional harm or

20 damage to the property of the student,

21 b. substantially interfere with the educational

22 opportunities of a student,

23

24

- 1 c. insult or demean a student or group of students in a
2 way to cause substantial disruptions or substantial
3 interference with the orderly operation of the school,
4 d. be so severe, persistent, or pervasive that it creates
5 an intimidating, hostile, or threatening education
6 environment, or
7 e. substantially disrupt the orderly operation of the
8 school;

9 2. "At school" means on school grounds, going to or returning
10 from school, in school vehicles, at designated school bus stops, at
11 school-sponsored activities, or at school-sanctioned events;

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

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

1 ~~D. Nothing in this act shall be construed to impose a specific~~
2 ~~liability on any school district.~~

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

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

15 1. Specifically prohibit ~~threatening behavior, harassment,~~
16 ~~intimidation, and bullying by students at school and by electronic~~
17 ~~communication, whether or not such communication originated at~~
18 ~~school or with school equipment, if the communication is~~
19 ~~specifically directed at students or school personnel and concerns~~
20 ~~harassment, intimidation, or bullying at school~~ or cyber bullying as
21 defined in Section 24-100.3 of this title;

22 2. Contain a procedure for reporting an act of harassment,
23 intimidation, bullying or cyber bullying to a school official,
24 including a provision that permits a person to report an act

1 anonymously. No formal disciplinary action shall be taken solely on
2 the basis of an anonymous report;

3 3. Contain a requirement that any school employee that has
4 reliable information that would lead a reasonable person to suspect
5 that a person is a target of harassment, intimidation, bullying or
6 cyber bullying shall immediately report it to the principal or a
7 designee of the principal;

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

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

13 b. notice of the policy be posted at various locations
14 within each school site, including but not limited to
15 cafeterias, school bulletin boards, and administration
16 offices,

17 c. the policy be posted on the Internet website for the
18 school district and each school site that has an
19 Internet website, and

20 d. the policy be included in all student and employee
21 handbooks;

22 5. Contain a procedure for providing immediate notification
23 after an incident to the parents or guardian of a victim of
24 harassment, intimidation, bullying or cyber bullying and the parents

1 or guardian of the perpetrator of the harassment, intimidation,
2 bullying or cyber bullying;

3 6. Identify by job title the school official responsible for
4 implementing and enforcing the policy;

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

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

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

19 10. Address prevention ~~of and~~ education about such behavior by
20 containing:

21 a. consequences and appropriate remedial action for a
22 person who commits an act of harassment, intimidation,
23 bullying or cyber bullying,

24

1 b. consequences and appropriate remedial action for a
2 student found to have falsely accused another as a
3 means of retaliation, reprisal or as a means of
4 harassment, intimidation, bullying or cyber bullying,
5 and

6 c. a strategy for providing counseling or referral to
7 appropriate services, including guidance, academic
8 intervention, and other protection for students, both
9 targets and perpetrators, and appropriate family
10 members affected by harassment, intimidation, bullying
11 or cyber bullying, as necessary;

12 ~~3.~~ 11. Establish a procedure for the investigation of:

13 a. each school to investigate and document all incidents
14 of harassment, intimidation, bullying, or threatening
15 behavior cyber bullying reported to school officials
16 for the purpose of determining,

17 b. identifying the principal or a designee of the
18 principal as the person responsible for investigating
19 incidents of harassment, intimidation, bullying or
20 cyber bullying,

21 c. reporting all incidents of harassment, intimidation,
22 bullying or cyber bullying and the resulting
23 consequences, including discipline and referrals to
24 the board of education on a semiannual basis, and

1 affected. ~~The students, teachers, and parents or guardian of every~~
2 ~~child residing within a school district shall be notified by the~~
3 ~~district board of education of its adoption of the policy and shall~~
4 ~~receive a copy upon request. Provided, the~~ The school district
5 discipline policy shall be implemented in a manner that is ongoing
6 throughout the school year and is integrated with the curriculum and
7 other violence prevention efforts.

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

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

24

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

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

7 1. Promulgate rules for periodically monitoring school
8 districts for compliance with this section and providing sanctions
9 for noncompliance with this section;

10 2. Develop a model policy and training materials on the
11 components that should be included in a school district bullying
12 prevention policy;

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

16 4. Establish and maintain a central repository for the
17 collection and analysis of information regarding harassment,
18 intimidation, bullying or cyber bullying; and

19 5. Report to the Speaker of the Oklahoma House of
20 Representatives, the President Pro Tempore of the State Senate and
21 the Governor annually on the current levels and nature of
22 harassment, intimidation, bullying or cyber bullying in the public
23 schools in the state, the effectiveness of school policies
24 implemented under the School Bullying Prevention Act in combating

1 harassment, intimidation, bullying or cyber bullying, and
2 recommendations for appropriate actions to address identified
3 problems.

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

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

22 B. The Safe School Committee shall study and make
23 recommendations to the principal regarding:
24

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

5 2. Student harassment, intimidation, ~~and bullying at school~~ or
6 cyber bullying as defined in Section 24-100.3 of this title;

7 3. Professional development needs of faculty and staff to
8 implement methods to decrease student harassment, intimidation, ~~and~~
9 bullying or cyber bullying; and

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

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

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

1 ~~D. The provisions of this section shall not apply to technology~~
2 ~~center schools.~~

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

4 SECTION 5. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8

9 53-1-6848 KB 02/23/11

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24