

1 exception for technology center schools; providing an
2 effective date; and declaring an emergency.

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

6 SECTION 1. AMENDATORY Section 2, Chapter 149, O.S.L.
7 2002, as amended by Section 5, Chapter 216, O.S.L. 2008 (70 O.S.
8 Supp. 2010, Section 24-100.3), is amended to read as follows:

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

1 and, as a result, have improved safety and created a more inclusive
2 learning environment.

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

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

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

22 a. physically or emotionally harm a student or damage the
23 property of a student or to place a student in

1 reasonable fear of physical or emotional harm or
2 damage to the property of the student,

3 b. substantially interfere with the educational
4 opportunities of a student,

5 c. insult or demean a student or group of students in a
6 way to cause substantial disruptions or substantial
7 interference with the orderly operation of the school,

8 d. be so severe, persistent, or pervasive that it creates
9 an intimidating, hostile, or threatening education
10 environment, or

11 e. substantially disrupt the orderly operation of the
12 school;

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

16 3. "Electronic communication" means the communication of any
17 written, verbal, ~~or~~ pictorial information or video content by means
18 of an electronic device, including, but not limited to, a telephone,
19 a mobile or cellular telephone, paggers, or other wireless
20 telecommunication device, or a computer which communication includes
21 but is not limited to e-mail, instant messaging, text messages,
22 blogs, online games and Internet websites, whether or not the

1 conduct or communication originated at school or with school
2 equipment or during school hours; and

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

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

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

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

21 1. Specifically prohibit ~~threatening behavior, harassment,~~
22 ~~intimidation, and bullying by students at school and by electronic~~
23 ~~communication, whether or not such communication originated at~~

1 ~~school or with school equipment, if the communication is~~
2 ~~specifically directed at students or school personnel and concerns~~
3 ~~harassment, intimidation, or bullying at school~~ or cyber bullying as
4 defined in Section 24-100.3 of this title;

5 2. Contain a procedure for reporting an act of harassment,
6 intimidation, bullying or cyber bullying to a school official,
7 including a provision that permits a person to report an act
8 anonymously. No formal disciplinary action shall be taken solely on
9 the basis of an anonymous report;

10 3. Contain a requirement that any school employee that has
11 reliable information that would lead a reasonable person to suspect
12 that a person is a target of harassment, intimidation, bullying or
13 cyber bullying shall immediately report it to the principal or a
14 designee of the principal;

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

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

20 b. notice of the policy be posted at various locations
21 within each school site, including but not limited to
22 cafeterias, school bulletin boards, and administration
23 offices,

1 c. the policy be posted on the Internet website for the
2 school district and each school site that has an
3 Internet website, and

4 d. the policy be included in all student and employee
5 handbooks;

6 5. Contain a procedure for providing immediate notification
7 after an incident to the parents or guardian of a victim of
8 harassment, intimidation, bullying or cyber bullying and the parents
9 or guardian of the perpetrator of the harassment, intimidation,
10 bullying or cyber bullying;

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

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

16 8. Require annual training for administrators, school employees
17 and volunteers who have significant contact with students in
18 preventing, identifying, responding to and reporting incidents of
19 harassment, intimidation, bullying or cyber bullying. In addition
20 individual school sites shall be encouraged to form bullying
21 prevention task forces, program, and other initiatives involving
22 administrators, school employees, volunteers, students, parents, law
23 enforcement, community members and other stakeholders;

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

4 10. Address prevention of and education about such behavior by
5 containing:

6 a. consequences and appropriate remedial action for a
7 person who commits an act of harassment, intimidation,
8 bullying or cyber bullying,

9 b. consequences and appropriate remedial action for a
10 student found to have falsely accused another as a
11 means of retaliation, reprisal or as a means of
12 harassment, intimidation, bullying or cyber bullying,
13 and

14 c. a strategy for providing counseling or referral to
15 appropriate services, including guidance, academic
16 intervention, and other protection for students, both
17 targets and perpetrators, and appropriate family
18 members affected by harassment, intimidation, bullying
19 or cyber bullying, as necessary;

20 ~~3-~~ 11. Establish a procedure for the investigation of:

21 a. each school to investigate and document all incidents
22 of harassment, intimidation, bullying, or threatening
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1 ~~behavior~~ cyber bullying reported to school officials
2 ~~for the purpose of determining,~~

3 b. identifying the principal or a designee of the
4 principal as the person responsible for investigating
5 incidents of harassment, intimidation, bullying or
6 cyber bullying,

7 c. reporting all incidents of harassment, intimidation,
8 bullying or cyber bullying and the resulting
9 consequences, including discipline and referrals to
10 the board of education on a semiannual basis, and

11 d. determining in a reasonable manner the severity of the
12 incidents and their potential to result in future
13 violence;

14 ~~4.~~ 12. Establish a procedure whereby, upon completing an
15 investigation ~~pursuant to paragraph 3 of this subsection of~~
16 harassment intimidation, bullying or cyber bullying or threatening
17 behavior, a school may recommend that available community mental
18 health care, substance abuse or other counseling options be provided
19 to the student, if appropriate; and

20 ~~5.~~ 13. Establish a procedure whereby a school may request the
21 disclosure of any information concerning students who have received
22 mental health, substance abuse, or other care pursuant to paragraph
23 ~~4~~ 12 of this subsection that indicates an explicit threat to the

1 safety of students or school personnel, provided the disclosure of
2 the information does not violate the requirements and provisions of
3 the Family Educational Rights and Privacy Act of 1974, the Health
4 Insurance Portability and Accountability Act of 1996, Section 2503
5 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
6 the Oklahoma Statutes, or any other state or federal laws regarding
7 the disclosure of confidential information.

8 B. In developing the discipline policy, the district board of
9 education shall make an effort to involve the teachers, parents,
10 administrators, school staff, school volunteers, community
11 representatives, local law enforcement agencies and students
12 affected. ~~The students, teachers, and parents or guardian of every~~
13 ~~child residing within a school district shall be notified by the~~
14 ~~district board of education of its adoption of the policy and shall~~
15 ~~receive a copy upon request. Provided, the~~ The school district
16 discipline policy shall be implemented in a manner that is ongoing
17 throughout the school year and is integrated with the curriculum and
18 other violence prevention efforts.

19 C. The teacher of a child attending a public school shall have
20 the same right as a parent or guardian to control and discipline
21 such child according to district policies during the time the child
22 is in attendance or in transit to or from the school or any other
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1 school function authorized by the school district or classroom
2 presided over by the teacher.

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

13 ~~C.~~ E. The board of education of each school district in this
14 state shall have the option of adopting a dress code for students
15 enrolled in the school district. The board of education of a school
16 district shall also have the option of adopting a dress code which
17 includes school uniforms.

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

19 1. Promulgate rules for periodically monitoring school
20 districts for compliance with this section and providing sanctions
21 for noncompliance with this section;

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

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

7 4. Establish and maintain a central repository for the
8 collection and analysis of information regarding harassment,
9 intimidation, bullying or cyber bullying; and

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

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

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

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

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

21 2. Student harassment, intimidation, ~~and bullying at school~~ or
22 cyber bullying as defined in Section 24-100.3 of this title;
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1 3. Professional development needs of faculty and staff to
2 implement methods to decrease student harassment, intimidation, ~~and~~
3 bullying or cyber bullying; and

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

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

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

18 ~~D. The provisions of this section shall not apply to technology~~
19 ~~center schools.~~

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

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

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4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02-23-2011
5 - DO PASS, As Amended and Coauthored.

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