

1 suicide. Research has shown that sixty percent (60%) of males who
2 were bullies in grades six through nine were convicted of at least
3 one crime as adults, and thirty-five percent (35%) to forty percent
4 (40%) of these former bullies had three or more convictions by
5 twenty-four (24) years of age. Successful programs to recognize,
6 prevent, and effectively intervene in bullying behavior have been
7 developed and replicated in schools across the country. These
8 schools send the message that bullying behavior is not tolerated
9 and, as a result, have improved safety and created a more inclusive
10 learning environment.

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

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

17 1. "Harassment, intimidation, ~~and~~ bullying or cyber bullying"
18 means any direct or indirect continual pattern of physical, verbal
19 or psychological intimidation, harassment, or abuse manifested by an
20 obviously threatening gesture, written or verbal expression,
21 electronic communication, or physical act ~~that a reasonable person~~
22 ~~should know will harm another student, damage another student's~~
23 ~~property, place another student in reasonable fear of harm to the~~
24 ~~student's person or damage to the student's property, or insult or~~

1 ~~demean any student or group of students in such a way as to disrupt~~
2 ~~or interfere with the school's educational mission or the education~~
3 ~~of any student. "Harassment, intimidation, and bullying" include,~~
4 ~~but are not limited to, gestures, written, verbal, or physical acts,~~
5 ~~or electronic communications~~ directed toward a student or group of
6 students or about a student or group of students that is reasonably
7 perceived as being done with the intent to cause negative
8 educational, physical, mental, emotional, social, or economic
9 results for the targeted individual or group;

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

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

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

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

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

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

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

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

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

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

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

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

20 c. the policy be posted on the Internet website for the
21 school district and each school site that has an
22 Internet website, and

23 d. the policy be included in all student and employee
24 handbooks;

1 5. Contain a procedure for providing timely notification after
2 an incident to the parents or guardian of a victim of harassment,
3 intimidation, bullying or cyber bullying and the parents or guardian
4 of the perpetrator of the harassment, intimidation, bullying or
5 cyber bullying;

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

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

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

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

22 10. Address prevention of and education about such behavior by
23 containing:

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- 1 a. consequences and appropriate remedial action for a
2 person who commits an act of harassment, intimidation,
3 bullying or cyber bullying,
- 4 b. consequences and appropriate remedial action for a
5 student found to have falsely accused another as a
6 means of retaliation, reprisal or as a means of
7 harassment, intimidation, bullying or cyber bullying,
8 and
- 9 c. a strategy for providing counseling or referral to
10 appropriate services, including guidance, academic
11 intervention, and other protection for students, both
12 targets and perpetrators, and appropriate family
13 members affected by harassment, intimidation, bullying
14 or cyber bullying, as necessary;

15 ~~3-~~ 11. Establish a procedure for the investigation of:

- 16 a. each school to investigate and document all incidents
17 of harassment, intimidation, bullying, or threatening
18 behavior ~~behavior~~ cyber bullying reported to school officials
19 for the purpose of determining,
- 20 b. identifying the principal or a designee of the
21 principal as the person responsible for investigating
22 incidents of harassment, intimidation, bullying or
23 cyber bullying,

1 c. reporting all incidents of harassment, intimidation,
2 bullying or cyber bullying and the resulting
3 consequences, including discipline and referrals to
4 the board of education on a semiannual basis, and

5 d. determining in a reasonable manner the severity of the
6 incidents and their potential to result in future
7 violence;

8 ~~4.~~ 12. Establish a procedure whereby, upon completing an
9 investigation ~~pursuant to paragraph 3 of this subsection of~~
10 harassment, intimidation, bullying or cyber bullying or threatening
11 behavior, a school may recommend that available community mental
12 health care, substance abuse or other counseling options be provided
13 to the student, if appropriate; and

14 ~~5.~~ 13. Establish a procedure whereby a school may request the
15 disclosure of any information concerning students who have received
16 mental health, substance abuse, or other care pursuant to paragraph
17 ~~4~~ 12 of this subsection that indicates an explicit threat to the
18 safety of students or school personnel, provided the disclosure of
19 the information does not violate the requirements and provisions of
20 the Family Educational Rights and Privacy Act of 1974, the Health
21 Insurance Portability and Accountability Act of 1996, Section 2503
22 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
23 the Oklahoma Statutes, or any other state or federal laws regarding
24 the disclosure of confidential information.

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

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

18 ~~B.~~ D. Except concerning students on individualized education
19 plans (IEP) pursuant to the Individuals with Disabilities Education
20 Act (IDEA), P.L. No. 101-476, the State Board of Education shall not
21 have authority to prescribe student disciplinary policies for school
22 districts or to proscribe corporal punishment in the public schools.
23 The State Board of Education shall not have authority to require
24 school districts to file student disciplinary action reports more

1 often than once each year and shall not use disciplinary action
2 reports in determining a school district's or school site's
3 eligibility for program assistance including competitive grants.

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

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

10 1. Promulgate rules for periodically monitoring school
11 districts for compliance with this section and providing sanctions
12 for noncompliance with this section;

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

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

19 4. Establish and maintain a central repository for the
20 collection and analysis of information regarding harassment,
21 intimidation, bullying or cyber bullying; and

22 5. Report to the Speaker of the Oklahoma House of
23 Representatives, the President Pro Tempore of the State Senate and
24 the Governor annually on the current levels and nature of

1 harassment, intimidation, bullying or cyber bullying in the public
2 schools in the state, the effectiveness of school policies
3 implemented under the School Bullying Prevention Act in combating
4 harassment, intimidation, bullying or cyber bullying, and
5 recommendations for appropriate actions to address identified
6 problems.

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

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

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

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

7 2. Student harassment, intimidation, ~~and bullying at school,~~
8 teen dating violence or cyber bullying as defined in Section 24-
9 100.3 of this title;

10 3. Professional development needs of faculty and staff to
11 implement methods to decrease student harassment, intimidation, ~~and~~
12 bullying or cyber bullying; and

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

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

21 C. The State Department of Education shall compile and
22 distribute to each public school site a list of research-based
23 programs appropriate for the prevention of harassment, intimidation,
24 and bullying of students at school. If a school district implements

1 a commercial bullying prevention program, it shall use a program
2 listed by the State Department of Education.

3 ~~D. The provisions of this section shall not apply to technology~~
4 ~~center schools.~~

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 3-31-11 - DO
11 PASS, As Amended and Coauthored.

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