

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2891

By: Pittman

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Sections 24-100.3, 24-100.4 and 24-100.5, which
9 relate to the School Bullying Prevention Act;
10 modifying certain findings; defining cyberbullying;
11 expanding the definition of harassment, intimidation,
12 bullying and cyberbullying; expanding definition of
13 electronic communications; directing district boards
14 of education to adopt certain policies; providing
15 list of items required to be included in certain
16 policy; providing for school employees and
17 administrators to be included in developing certain
18 policy; directing the State Board of Education to
19 develop a model policy; directing the State Board of
20 Education to establish and maintain certain
21 repository; modifying composition of Safe School
22 Committee; modifying duties of the Committee;
23 deleting exemption for technology center schools;
24 providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.3, is
amended to read as follows:

Section 24-100.3 A. The Legislature finds that bullying has a
negative effect on the social environment of schools, creates a
climate of fear among students, inhibits their ability to learn, and

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

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

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

21 1. "Harassment, intimidation, ~~and~~ bullying and cyberbullying"
22 means any gesture, written or verbal expression, electronic
23 communication, or physical act ~~that a reasonable person should know~~
24 ~~will harm another student, damage another student's property, place~~

1 ~~another student in reasonable fear of harm to the student's person~~
2 ~~or damage to the student's property, or insult or demean any student~~
3 ~~or group of students in such a way as to disrupt or interfere with~~
4 ~~the school's educational mission or the education of any student,~~
5 including, but not limited to, one shown to be motivated by the
6 actual or perceived race, color, religion, national origin, ancestry
7 or ethnicity, sexual orientation, physical, mental, emotional or
8 learning disability, gender, gender identity and expression, or
9 other distinguishing personal characteristic of a student, or based
10 on association with any person identified above, when the written,
11 verbal or physical act or electronic communication is intended to:

- 12 a. physically harm a student or damage the student's
13 property or place the student in reasonable fear of
14 harm or damage,
- 15 b. substantially interfere with a student's educational
16 opportunities,
- 17 c. be so severe, persistent, or pervasive that it creates
18 an intimidating or threatening educational
19 environment, or
- 20 d. substantially disrupt the orderly operation of the
21 school.

22 "Harassment, intimidation, ~~and~~ bullying and cyberbullying" include,
23 but are not limited to, gestures, written, verbal, or physical acts,
24 or electronic communications;

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

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

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

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

19 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.4, is
20 amended to read as follows:

21 Section 24-100.4 A. Each district board of education shall
22 adopt a policy for the control and discipline of all children
23 attending public school in that district, prohibiting harassment,
24 intimidation, bullying and cyberbullying as defined in Section 24-

1 100.3 of this title and for the investigation of reported incidents
2 of harassment, intimidation, bullying and cyberbullying, or
3 threatening behavior. Such policy shall provide options for the
4 methods of control and discipline of the students and shall define
5 standards of conduct to which students are expected to conform. The
6 policy shall:

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

14 2. Address prevention of and education about such behavior;

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

20 4. Contain a requirement that any school employee that has
21 reliable information that would lead a reasonable person to suspect
22 that a person is a target of harassment, intimidation, bullying or
23 cyberbullying shall immediately report it to the principal or the
24 designee of the principal;

1 5. Contain:

- 2 a. a statement of how the policy is to be publicized,
3 including requirements that annual written notice of
4 the policy shall be provided to parents, guardians,
5 staff, volunteers, and students, with age-appropriate
6 language for students,
- 7 b. a procedure for providing immediate notification to
8 the parents or guardian of the perpetrator of the
9 harassment, intimidation, bullying or cyberbullying,
10 and
- 11 c. the identification by job title of school officials
12 responsible for ensuring that the policy is
13 implemented;

14 6. Establish a procedure for ~~the investigation of~~ each school
15 to investigate and document any prohibited incident that is reported
16 to school officials, identifying the principal or the designee of
17 the principal as the person responsible for the investigation, and a
18 procedure to report all incidents of harassment, intimidation,
19 bullying, or ~~threatening behavior reported to school officials for~~
20 ~~the purpose of determining the severity of the incidents and their~~
21 ~~potential to result in future violence~~ cyberbullying and the
22 resulting consequences, including discipline and referrals, to the
23 board of education on a semiannual basis;

24 4. 7. Provide for:

- 1 a. annual training for administrators, school employees
2 and volunteers who have significant contact with
3 students in preventing, identifying, responding to,
4 and reporting incidents of, harassment, intimidation,
5 bullying or cyberbullying, and
6 b. an educational program for students and parents in
7 preventing, identifying, responding to, and reporting
8 incidents of, harassment, intimidation, bullying or
9 cyberbullying;

10 8. Establish a procedure whereby, upon completing an
11 investigation pursuant to paragraph ~~3~~ 6 of this subsection, a school
12 may recommend that available community mental health care options be
13 provided to the student, if appropriate; and

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

1 In developing the policy, the district board of education shall
2 make an effort to involve the teachers, parents, administrators,
3 school staff, and students affected. The students, teachers, and
4 parents or guardian of every child residing within a school district
5 shall be notified by the district board of education of its adoption
6 of the policy and shall receive a copy upon request. Provided, the
7 teacher of a child attending a public school shall have the same
8 right as a parent or guardian to control and discipline such child
9 according to district policies during the time the child is in
10 attendance or in transit to or from the school or any other school
11 function authorized by the school district or classroom presided
12 over by the teacher.

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

23 C. The board of education of each school district in this state
24 shall have the option of adopting a dress code for students enrolled

1 in the school district. The board of education of a school district
2 shall also have the option of adopting a dress code which includes
3 school uniforms.

4 D. The State Board of Education shall promulgate:

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

8 2. Promulgate rules for regularly monitoring school districts
9 for compliance with this section and providing sanctions for
10 noncompliance with this section; and

11 3. Establish and maintain a central repository for the
12 collection and analysis of information regarding harassment,
13 intimidation, bullying or cyberbullying.

14 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-100.5, is
15 amended to read as follows:

16 Section 24-100.5 A. Due to the growing concern regarding
17 safety and the ever constant threat of violence in the public
18 schools, it is the intent of the Legislature that public schools and
19 families work together to combat this rising problem. Therefore,
20 beginning October 1, 1996, and every year thereafter, each public
21 school site shall establish a Safe School Committee to be composed
22 of at least seven (7) members. The Safe School Committee shall be
23 composed of an equal number of teachers, parents of the children
24 affected, students, administrators, school staff, and a school

1 official who participates in the investigation of reports of
2 harassment, intimidation, bullying, cyberbullying and threatening
3 behavior as required by subsection A of Section 24-100.4 of this
4 title.

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

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

11 2. Student harassment, intimidation, ~~and bullying at school~~ and
12 cyberbullying as defined in Section 24-100.3 of this title;

13 3. Professional development needs of faculty and staff to
14 implement methods to decrease student harassment, intimidation, ~~and~~
15 bullying and cyberbullying; and

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

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

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1 C. The State Department of Education shall compile and
2 distribute to each public school site a list of research-based
3 programs appropriate for the prevention of harassment, intimidation,
4 and bullying of students at school. If a school district implements
5 a commercial bullying prevention program, it shall use a program
6 listed by the State Department of Education.

7 ~~D. The provisions of this section shall not apply to technology~~
8 ~~center schools.~~

9 SECTION 4. This act shall become effective July 1, 2012.

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

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