

1 STATE OF OKLAHOMA

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

3 SENATE BILL 152

By: Rice

4
5
6 AS INTRODUCED

7 An Act relating to school discipline; amending
8 Section 2, Chapter 149, O.S.L. 2002, as amended by
9 Section 5, Chapter 216, O.S.L. 2008 (70 O.S. Supp.
10 2010, Section 24-100.3), which relates to harassment,
11 intimidation and bullying in public schools;
12 modifying certain findings; defining cyber bullying;
13 expanding the definition of harassment, intimidation,
14 bullying and cyber bullying; expanding definition of
15 electronic communications; amending 70 O.S. 2001,
16 Section 6-114, as renumbered by Section 5, Chapter
17 149, O.S.L. 2002, and as last amended by Section 6,
18 Chapter 216, O.S.L. 2008 (70 O.S. Supp. 2010, Section
19 24-100.4), which relates to anti-bullying policies
20 adopted by school districts; directing district
21 boards of education to adopt certain policies;
22 providing list of items required to be included in
23 certain policy; providing for school employees and
24 administrators to be included in developing certain
policy; directing the State Board of Education to
develop a model policy; directing the State Board of
Education to establish and maintain certain
repository; amending 70 O.S. 2001, Section 24-100, as
renumbered by Section 5, Chapter 149, O.S.L. 2002,
and as last amended by Section 7, Chapter 216, O.S.L.
2008 (70 O.S. Supp. 2010, Section 24-100.5), which
relates to the Safe School Committee; modifying
composition of Safe School Committee; providing an
effective date; and declaring an emergency.

23 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, violence and suicide. ~~Research has shown~~
11 ~~that sixty percent (60%) of males who were bullies in grades six~~
12 ~~through nine were convicted of at least one crime as adults, and~~
13 ~~thirty five percent (35%) to forty percent (40%) of these former~~
14 ~~bullies had three or more convictions by twenty four (24) years of~~
15 ~~age.~~ Successful programs to recognize, prevent, and effectively
16 intervene in bullying behavior have been developed and replicated in
17 schools across the country. These schools send the message that
18 bullying behavior is not tolerated and, as a result, have improved
19 safety and created a more inclusive learning environment.

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

1 the prevention of harassment, intimidation, ~~and~~ bullying and cyber
2 bullying.

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

4 1. "Harassment, intimidation, ~~and~~ bullying and cyber bullying"
5 means any gesture, written or verbal expression, electronic
6 communication, or physical act, including, but not limited to, one
7 shown to be motivated by a student's actual or perceived race,
8 color, religion, national origin, ancestry or ethnicity, sexual
9 orientation, physical, mental, emotional, or learning disability,
10 gender, gender identity and expression, or other distinguishing
11 personal characteristic, or based on association with any person
12 identified above, when the written, verbal or physical act or
13 electronic communication is intended to:

14 a. physically harm a student or damage the student's
15 property,

16 b. substantially interfere with a student's educational
17 opportunities,

18 c. be so severe, persistent, or pervasive that it creates
19 an intimidating or threatening educational
20 environment, or

21 d. substantially disrupt the orderly operation of the
22 school;

23 that a reasonable person should know will harm another student,
24 damage another student's property, place another student in

1 reasonable fear of harm to the student's person or damage to the
2 student's property, or insult or demean any student or group of
3 students in such a way as to disrupt or interfere with the school's
4 educational mission or the education of any student. "Harassment,
5 intimidation, and bullying" include, but are not limited to,
6 gestures, written, verbal, or physical acts, or electronic
7 communications;

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

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

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

24

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, prohibiting harassment,
10 intimidation, bullying and cyber bullying as defined in this act and
11 for the investigation of reported incidents of harassment,
12 intimidation, bullying, or threatening behavior. Such policy shall
13 provide options for the methods of control and discipline of the
14 students and shall define standards of conduct to which students are
15 expected to conform. The policy shall:

16 1. Specifically prohibit ~~threatening behavior,~~ harassment,
17 intimidation, ~~and~~ bullying and cyber bullying, as defined in Section
18 24-100.3 of this title, 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;

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

24

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

6 4. 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 the
10 principal's designee;

11 5. Contain:

12 a. a statement of how the policy is to be publicized,
13 including requirements that annual written notice of
14 the policy shall be provided to parents, guardians,
15 staff, volunteers, and students, with age appropriate
16 language for students,

17 b. a procedure for providing immediate notification to
18 the parents or guardian of the perpetrator of the
19 harassment, intimidation, bullying or cyber bullying,

20 c. the identification by job title of school officials
21 responsible for ensuring that the policy is
22 implemented;

23 6. Establish a procedure for the investigation of each school
24 to investigate and document any prohibited incident that is reported

1 to school officials, identifying the principal or the principal's
2 designee as the person responsible for the investigation, and a
3 procedure to report all incidents of harassment, intimidation,
4 bullying, or threatening behavior reported to school officials for
5 the purpose of determining the severity of the incidents and their
6 potential to result in future violence cyber bullying and the
7 resulting consequences, including discipline and referrals, to the
8 board of education on a semiannual basis;

9 ~~4.~~ 7. Provide for:

- 10 a. annual training for administrators, school employees
11 and volunteers who have significant contact with
12 students in preventing, identifying, responding to,
13 and reporting incidents of, harassment, intimidation,
14 bullying or cyber bullying, and
- 15 b. an educational program for students and parents in
16 preventing, identifying, responding to, and reporting
17 incidents of, harassment, intimidation, bullying or
18 cyber bullying;

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

23 ~~5.~~ 9. Establish a procedure whereby a school may request the
24 disclosure of any information concerning students who have received

1 mental health care pursuant to paragraph 4 8 of this subsection that
2 indicates an explicit threat to the safety of students or school
3 personnel, provided the disclosure of the information does not
4 violate the requirements and provisions of the Family Educational
5 Rights and Privacy Act of 1974, the Health Insurance Portability and
6 Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma
7 Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any
8 other state or federal laws regarding the disclosure of confidential
9 information.

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

22 B. Except concerning students on individualized education plans
23 (IEP) pursuant to the Individuals with Disabilities Education Act
24 (IDEA), P.L. No. 101-476, the State Board of Education shall not

1 have authority to prescribe student disciplinary policies for school
2 districts or to proscribe corporal punishment in the public schools.
3 The State Board of Education shall not have authority to require
4 school districts to file student disciplinary action reports more
5 often than once each year and shall not use disciplinary action
6 reports in determining a school district's or school site's
7 eligibility for program assistance including competitive grants.

8 C. The board of education of each school district in this state
9 shall have the option of adopting a dress code for students enrolled
10 in the school district. The board of education of a school district
11 shall also have the option of adopting a dress code which includes
12 school uniforms.

13 D. The State Board of Education shall ~~promulgate~~:

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

17 2. Promulgate rules for regularly monitoring school districts
18 for compliance with this section and providing sanctions for
19 noncompliance with this section; and

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

23 SECTION 3. AMENDATORY 70 O.S. 2001, Section 24-100, as
24 renumbered by Section 5, Chapter 149, O.S.L. 2002, and as last

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, and a school
12 official who participates in the investigation of reports of
13 harassment, intimidation, bullying, cyber bullying and threatening
14 behavior as required by subsection A of Section 24-100.4 of this
15 title.

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

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

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

24

1 3. Professional development needs of faculty and staff to
2 implement methods to decrease student harassment, intimidation, and
3 bullying and 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
23
24

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.

3

4 53-1-1254 AM 1/6/2011 2:32:55 PM

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24