

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1661

By: Denney, Pittman, Wood,
Bennett, Sherrer, Nollan,
McDaniel (Jeannie) and
Shelton of the House

6 and

7 Halligan of the Senate
8

9
10 COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2011,
12 Sections 24-100.2, 24-100.3, 24-100.4 and 24-100.5,
13 which relate to the School Bullying Prevention Act;
14 changing name of the act; deleting statements of
15 findings; modifying definitions; modifying
16 requirement for school districts to adopt a
17 discipline policy; requiring policies to contain or
18 establish certain procedures, requirements and
19 statements to identify certain persons and to address
20 prevention in a certain manner; modifying certain
21 required procedures; including certain additional
22 persons in development of a policy; providing for
23 implementation of a policy in a certain manner;
24 modifying and adding duties of the State Board of
Education; updating statutory language; modifying
membership of the Safe School Committee; allowing
additional persons to serve on the Safe School
Committee; requiring the Committee to serve as
primary conduit for certain purposes; modifying
responsibility of the Committee; modifying and adding
duties of the State Department of Education;
providing an effective date; and declaring an
emergency.

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

2 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.2, is
3 amended to read as follows:

4 Section 24-100.2 Sections ~~1~~ 24-100.2 through ~~4~~ 24-100.5 of this
5 ~~act~~ title shall be known and may be cited as the "School Safety and
6 Bullying Prevention Act".

7 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.3, is
8 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. Research has shown that sixty percent~~
16 ~~(60%) of males who were bullies in grades six through nine were~~
17 ~~convicted of at least one crime as adults, and thirty five percent~~
18 ~~(35%) to forty percent (40%) of these former bullies had three or~~
19 ~~more convictions by twenty four (24) years of age. Successful~~
20 ~~programs to recognize, prevent, and effectively intervene in~~
21 ~~bullying behavior have been developed and replicated in schools~~
22 ~~across the country. These schools send the message that bullying~~
23 ~~behavior is not tolerated and, as a result, have improved safety and~~
24 ~~created a more inclusive learning environment.~~

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

6 ~~C. As used in the School Safety and Bullying Prevention Act:~~

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

21 2. "At school" means on school grounds, in school vehicles, ~~at~~
22 ~~designated school bus stops,~~ at school-sponsored activities, or at
23 school-sanctioned events;
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1 3. "Electronic communication" means the communication of any
2 written, verbal, ~~or~~ pictorial information or video content by means
3 of an electronic device, including, but not limited to, a telephone,
4 a mobile or cellular telephone or other wireless telecommunication
5 device, or a computer; and

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

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

12 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-100.4, is
13 amended to read as follows:

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

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

1 ~~originated at school or with school equipment,~~ if the communication
2 is specifically directed at students or school personnel and
3 concerns harassment, intimidation, or bullying at school;

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

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

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

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

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

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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. Require that appropriate school district personnel involved
7 in investigating reports of harassment, intimidation or bullying
8 make a determination regarding whether the conduct is actually
9 occurring;

10 6. Contain a procedure for providing timely notification after
11 a documented and verified incident to the parents or guardians of a
12 victim of harassment, intimidation or bullying and the parents or
13 guardians of the perpetrator of the harassment, intimidation or
14 bullying;

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

17 8. Contain procedures for reporting to law enforcement all
18 documented and verified acts of harassment, intimidation or bullying
19 which may constitute criminal activity or reasonably have the
20 potential to endanger school safety;

21 9. Require annual training for administrators and school
22 employees as developed and provided by the State Department of
23 Education in preventing, identifying, responding to and reporting
24 incidents of harassment, intimidation or bullying;

1 10. Provide for an educational program as designed and
2 developed by the State Department of Education for students and
3 parents in preventing, identifying, responding to and reporting
4 incidents of harassment, intimidation or bullying;

5 11. Address prevention of and education about such behavior by
6 providing:

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

10 b. consequences and remedial action for a student found
11 to have falsely accused another as a means of
12 retaliation, reprisal or as a means of harassment,
13 intimidation or bullying, 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 family members affected
18 by harassment, intimidation or bullying, as necessary;

19 ~~3.~~ 12. Establish a procedure for the investigation of:

20 a. the investigation, determination and documentation of
21 all incidents of harassment, intimidation, bullying,
22 or threatening behavior reported to school officials
23 for the purpose of determining,

- 1 b. identifying the principal or a designee of the
2 principal as the person responsible for investigating
3 incidents of harassment, intimidation or bullying,
4 c. reporting the number of incidents of harassment,
5 intimidation or bullying, and
6 d. determining the severity of the incidents and their
7 potential to result in future violence;

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

14 ~~5.~~ 14. 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~~ 13 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 policy, the district board of education
2 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 policy shall be implemented in a manner that is ongoing throughout
10 the school year and is integrated with the curriculum and other
11 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. Establish and maintain a central repository for the
14 collection of information regarding verified incidents of
15 harassment, intimidation or bullying; and

16 3. Publish a report annually on the State Department of
17 Education website regarding the number of documented and verified
18 incidents of harassment, intimidation or bullying in the public
19 schools in the state.

20 SECTION 4. AMENDATORY 70 O.S. 2011, Section 24-100.5, is
21 amended to read as follows:

22 Section 24-100.5 A. ~~Due to the growing concern regarding~~
23 ~~safety and the ever constant threat of violence in the public~~
24 ~~schools, it is the intent of the Legislature that public schools and~~

1 ~~families work together to combat this rising problem. Therefore,~~
2 ~~beginning October 1, 1996, and every~~ Every ~~year thereafter,~~ each
3 public school site shall establish a Safe School Committee to be
4 composed of at least seven (7) members. The Safe School Committee
5 shall be composed of ~~an equal number of~~ teachers, parents of the
6 children affected, students, and a school official who participates
7 in the investigation of reports of harassment, intimidation,
8 bullying, and threatening behavior as required by subsection A of
9 Section 24-100.4 of this title. The Committee may include
10 administrators, school staff, school volunteers, community
11 representatives, and local law enforcement agencies. The Committee
12 shall serve as the primary conduit for promoting a positive school
13 climate through planning, implementing and evaluating effective
14 prevention, readiness and response strategies, including the policy
15 required by Section 24-100.4 of this 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, faculty
19 and staff to avoid physical and emotional harm at school, student
20 victimization, crime prevention, school violence, and other issues
21 which prohibit the maintenance of a safe school;

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

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1 3. Professional development needs of faculty and staff to
2 recognize and implement methods to decrease student harassment,
3 intimidation, and 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 and
7 resources that include counselors ~~and/or school psychologists~~ and
8 other behavioral health resources within or outside the school
9 system.

10 In its considerations, the Safe School Committee shall review
11 the district policy for the prevention of harassment, intimidation
12 and bullying and the list of research-based programs appropriate for
13 the prevention of harassment, intimidation, and bullying of students
14 at school compiled by the State Department of Education. In
15 addition, the Committee may review traditional and accepted
16 harassment, intimidation, and bullying prevention programs utilized
17 by other states, state agencies, or school districts.

18 C. The State Department of Education shall ~~compile~~ compile:

19 1. Develop a model policy and deliver training materials to all
20 school districts on the components that should be included in a
21 school district policy for the prevention of harassment,
22 intimidation and bullying; and

23 2. Compile and distribute to each public school site,
24 prominently display on the State Department of Education website and

1 annually publicize in print media a list of research-based programs
2 appropriate for the prevention of harassment, intimidation, and
3 bullying of students ~~at school~~. If a school district implements a
4 commercial bullying prevention program, it shall use a program
5 listed by the State Department of Education.

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

8 SECTION 5. This act shall become effective July 1, 2013.

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

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