HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1661 By: Denney of the House

and

Halligan of the Senate

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Sections 24-100.2, 24-100.3, 24-100.4 and 24-100.5, which relate to the School Bullying Prevention Act; changing name of the act; expanding statement of findings; modifying definitions; modifying requirement for school districts to adopt a control and discipline policy; requiring policies to contain or establish certain procedures, requirements and statements to identify certain persons and to address prevention in a certain manner; modifying certain required procedures; including certain additional persons in development of a policy; providing for implementation of a policy in a certain manner; modifying and adding duties of the State Board of Education; updating statutory language; making certain findings; modifying purposes for creating Safe School Committees; modifying membership; 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; deleting exception for technology center schools; providing an effective date; and declaring an emergency.

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

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

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

SECTION 2. 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 leads to other antisocial behavior. Bullying behavior has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, ~~and~~ the use of drugs and alcohol, violent assault and battery, homicide and suicide. Research has shown that sixty percent (60%) of males who were bullies in grades six through nine were convicted of at least one crime as adults, and thirty-five percent (35%) to forty percent (40%) of these former bullies had three or more convictions by twenty-four (24) years of age. Successful programs to recognize, prevent, and effectively intervene in bullying behavior have been developed and replicated in schools across the country. These schools send the message that bullying behavior is not tolerated

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

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

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

1. "Harassment, intimidation, and bullying" means any direct or indirect continual pattern of physical, verbal, or psychological intimidation, harassment, or abuse manifested by any gesture, written or verbal expression, electronic communication, or physical act ~~that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. "Harassment, intimidation, and bullying" include, but are not limited to, gestures, written, verbal, or physical acts, or electronic communications~~ directed toward a student or group of students or about a student or group of students that results in or is

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reasonably perceived as being done with the intent to cause negative educational, physical, mental, emotional, social or economic results for the targeted individual or group;

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

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

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

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

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

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

1. Specifically prohibit threatening behavior, harassment, intimidation, and bullying by students at school and by electronic communication, whether or not such communication originated at school or with school equipment, if the communication is specifically directed at students or school personnel and concerns harassment, intimidation, or bullying at school or off school grounds if the harassment, intimidation or bullying will disrupt or interfere with the educational mission of the school or the education of any student;

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

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

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

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

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

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

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

5. Require that appropriate school district personnel involved in investigating reports of harassment, intimidation or bullying make a formal finding of fact regarding whether the conduct is actually occurring;

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6. Contain a procedure for providing immediate notification after a documented and verified incident to the parents or guardians of a victim of harassment, intimidation or bullying and the parents or guardians of the perpetrator of the harassment, intimidation or bullying;

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

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

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

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

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

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

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

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

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

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

b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of harassment, intimidation or bullying and documenting whether the reported acts actually occurred,

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c. reporting the number of documented incidents of harassment, intimidation or bullying, and

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

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

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

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

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

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

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school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action reports in determining a school district's or school site's eligibility for program assistance including competitive grants.

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

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

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

2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of harassment, intimidation or bullying; and

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

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

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Section 24-100.5 A. Due to increased incidences and threats of violence in the public schools and the growing concern among schools, families and communities regarding safety and the ever constant threat of violence in the public schools, it is the intent of the Legislature ~~that~~ to encourage and assist public schools ~~and families work together to combat this rising problem~~ to enhance the safety, security and effectiveness of the learning environment and to promote a positive school climate through effective prevention, readiness and response strategies. A positive school climate is a "safe haven" for students, teachers, staff and administrators where teaching and learning take place in an environment free of violence, intimidation, bullying, fear and drug use, and in a climate that promotes success for all students and the educators who serve them. Therefore, ~~beginning October 1, 1996, and~~ every year ~~thereafter,~~ each public school site shall establish a Safe School Committee to be composed of at least seven (7) members. The Safe School Committee shall be composed of ~~an equal number of~~ teachers, parents of the children affected, students, and a school official who participates in the investigation of reports of harassment, intimidation, bullying, and threatening behavior as required by subsection A of Section 24-100.4 of this title. The Committee may include administrators, school staff, school volunteers, community representatives, and local law enforcement agencies. The Committee

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shall serve as the primary conduit for promoting a positive school climate through planning, implementing and evaluating effective prevention, readiness and response strategies, including the policy required by Section 24-100.4 of this title.

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

1. Unsafe conditions, possible strategies for students, faculty and staff to avoid physical, emotional and social harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;

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

3. Professional development needs of faculty and staff to recognize and implement methods to decrease student harassment, intimidation, and bullying; and

4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams and resources that include counselors ~~and/or school psychologists~~ and other behavioral health resources within or outside the school system.

In its considerations, the Safe School Committee shall review the district policy for the prevention of harassment, intimidation

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and bullying and the list of research-based programs appropriate for the prevention of harassment, intimidation, and bullying of students at school compiled by the State Department of Education. In addition, the Committee may review traditional and accepted harassment, intimidation, and bullying prevention programs utilized by other states, state agencies, or school districts.

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

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

2. Compile and distribute to each public school site, prominently display on the State Department of Education website and annually publicize in print media a list of research-based programs appropriate for the prevention of harassment, intimidation, and bullying of students ~~at school~~. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

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

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

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

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declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/13/2013 - DO PASS, As Amended and Coauthored.

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