

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1345

By: Sharp

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 24-100.4, as amended by Section 3, Chapter
9 311, O.S.L. 2013 (70 O.S. Supp. 2013, Section 24-
10 100.4), which relates to discipline of children;
11 allowing district boards of education to adopt
12 policies for the issuance of fines; providing
13 guidelines for policies; providing for appeals;
14 providing for hiring of administrative law judge;
15 directing use of funds collected; providing for
16 codification; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
20 amended by Section 3, Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2013,
21 Section 24-100.4), is amended to read as follows:

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

1 1. Specifically address bullying by students at school and by
2 electronic communication, if the communication is specifically
3 directed at students or school personnel and concerns bullying at
4 school;

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

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

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

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

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

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

3 5. Require that appropriate school district personnel involved
4 in investigating reports of bullying make a determination regarding
5 whether the conduct is actually occurring;

6 6. Contain a procedure for providing timely notification to the
7 parents or guardians of a victim of documented and verified bullying
8 and to the parents or guardians of the perpetrator of the documented
9 and verified bullying;

10 7. Identify by job title the school official responsible for
11 enforcing the policy;

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

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

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

24 11. Address prevention by providing:

- a. consequences and remedial action for a person who commits an act of bullying,
- b. consequences and remedial action for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of 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 family members affected by bullying, as necessary;

12. Establish a procedure for:

- a. the investigation, determination and documentation of all incidents of bullying reported to school officials,
- b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
- c. reporting the number of incidents of bullying, and
- d. determining the severity of the incidents and their potential to result in future violence;

13. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; and

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

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

22 C. The teacher of a child attending a public school shall have
23 the same right as a parent or guardian to control and discipline
24 such child according to district policies during the time the child

1 is in attendance or in transit to or from the school or any other
2 school function authorized by the school district or classroom
3 presided over by the teacher.

4 D. Except concerning students on individualized education plans
5 (IEP) pursuant to the Individuals with Disabilities Education Act
6 (IDEA), P.L. No. 101-476, the State Board of Education shall not
7 have authority to prescribe student disciplinary policies for school
8 districts or to proscribe corporal punishment in the public schools.
9 The State Board of Education shall not have authority to require
10 school districts to file student disciplinary action reports more
11 often than once each year and shall not use disciplinary action
12 reports in determining a school district's or school site's
13 eligibility for program assistance including competitive grants.

14 E. The board of education of each school district in this state
15 shall have the option of adopting a dress code for students enrolled
16 in the school district. The board of education of a school district
17 shall also have the option of adopting a dress code which includes
18 school uniforms.

19 F. The board of education of each school district in this state
20 shall have the option of adopting a procedure allowing teachers to
21 issue fines for violating the district's policy, pursuant to Section
22 2 of this act.

23 G. The State Board of Education shall:
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1 1. Promulgate rules for periodically monitoring school
2 districts for compliance with this section and providing sanctions
3 for noncompliance with this section;

4 2. Establish and maintain a central repository for the
5 collection of information regarding documented and verified
6 incidents of bullying; and

7 3. Publish a report annually on the State Department of
8 Education website regarding the number of documented and verified
9 incidents of bullying in the public schools in the state.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 24-100.7 of Title 70, unless
12 there is created a duplication in numbering, reads as follows:

13 A. District boards of education that adopt a procedure allowing
14 teachers to issue fines for violating the district's policy adopted
15 pursuant to Section 24-100.4 of Title 70 of the Oklahoma Statutes
16 shall:

17 1. Specify the circumstances under which a student may be
18 assessed a fine;

19 2. Establish a fine or range of fines that does not exceed
20 Fifty Dollars (\$50.00) per incident;

21 3. Provide exceptions for students under the age of eight (8)
22 and students on individualized education programs (IEP) pursuant to
23 the Individuals with Disabilities Education Act (IDEA), P.L. No.
24 101-476;

1 4. Allow for consideration of extenuating factors, including
2 but not limited to: intent or lack of intent at the time the student
3 engaged in the conduct, the student's disciplinary history or other
4 factors determined by the district board of education;

5 5. Provide alternative methods for students and/or parents to
6 pay any assessed fines;

7 6. Notify students and parents annually of the procedure used
8 to fine students for violations of the district's policy; and

9 7. Provide a procedure whereby a student may appeal a fine.

10 B. A district board of education that adopts a procedure for
11 fines shall establish an appeals process. The board policy shall
12 specify that appeals shall be made to an administrative law judge.
13 Decisions of the administrative law judge may be appealed to a local
14 committee composed of district administrators or teachers or both.
15 Decisions of the committee may be appealed to the district board of
16 education.

17 C. School districts are hereby authorized to employ one or more
18 administrative law judges to conduct appeal proceedings. The school
19 district shall provide the administrative law judge with training on
20 the policies and procedures of the district.

21 D. Appeals procedures shall comply with all relevant state and
22 federal privacy laws regarding student data.

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1 E. Revenue collected through the assessment of fines shall be
2 allocated by the district board of education for the purchase of
3 technology or the provision of character scholarships.

4 F. District boards of education that adopt a procedure allowing
5 the issuance of fines shall make reports annually to the State
6 Department of Education. Such reports shall, at a minimum, include
7 the number of fines issued, the behavior for which fines were issued
8 and the amount of money collected. Any data reported shall be
9 submitted in an aggregated format.

10 SECTION 3. This act shall become effective July 1, 2014.

11 SECTION 4. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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