

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1376

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 control and discipline of
11 children; providing immunity from civil liability for
12 certain school districts administering corporal
13 punishment; providing for submission of certain plan
14 for students for whom consent is not provided for
15 administration of corporal punishment; providing an
16 effective date; and declaring an emergency.

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

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

21 Section 24-100.4. A. Each district board of education shall
22 adopt a policy for the discipline of all children attending public
23 school in that district, and for the investigation of reported
24 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. School districts that have adopted a policy authorizing
15 administration of corporal punishment with the written consent of
16 the student's parent or legal guardian shall be immune from
17 liability in a civil action arising from administration of corporal
18 punishment as authorized by the policy adopted by the school
19 district board of education.

20 F. If the parent or legal guardian of a student refuses to
21 provide written consent to a school district seeking to administer
22 corporal punishment as authorized by the policy adopted by the
23 school district board of education, the school district may require
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1 the parent or legal guardian to submit a plan of improvement for the
2 student.

3 G. The board of education of each school district in this state
4 shall have the option of adopting a dress code for students enrolled
5 in the school district. The board of education of a school district
6 shall also have the option of adopting a dress code which includes
7 school uniforms.

8 ~~F.~~ H. The State Board of Education shall:

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

12 2. Establish and maintain a central repository for the
13 collection of information regarding documented and verified
14 incidents of bullying; and

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

18 SECTION 2. This act shall become effective July 1, 2014.

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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