

1 STATE OF OKLAHOMA

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

3 SENATE BILL 431

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, which relates to discipline of
9 children; allowing district boards of education to
10 adopt policies for the issuance of fines; providing
11 guidelines for policies; directing use of funds
12 collected; providing for codification; providing an
13 effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, is
16 amended to read as follows:

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

1 1. Specifically prohibit threatening behavior, harassment,
2 intimidation, and bullying by students at school and by electronic
3 communication, whether or not such communication originated at
4 school or with school equipment, if the communication is
5 specifically directed at students or school personnel and concerns
6 harassment, intimidation, or bullying at school;

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

8 3. Establish a procedure for the investigation of all incidents
9 of harassment, intimidation, bullying, or threatening behavior
10 reported to school officials for the purpose of determining the
11 severity of the incidents and their potential to result in future
12 violence;

13 4. Establish a procedure whereby, upon completing an
14 investigation pursuant to paragraph 3 of this subsection, a school
15 may recommend that available community mental health care options be
16 provided to the student, if appropriate; and

17 5. Establish a procedure whereby a school may request the
18 disclosure of any information concerning students who have received
19 mental health care pursuant to paragraph 4 of this subsection that
20 indicates an explicit threat to the safety of students or school
21 personnel, provided the disclosure of the information does not
22 violate the requirements and provisions of the Family Educational
23 Rights and Privacy Act of 1974, the Health Insurance Portability and
24 Accountability Act of 1996, Section 2503 of Title 12 of the Oklahoma

1 Statutes, Section 1376 of Title 59 of the Oklahoma Statutes, or any
2 other state or federal laws regarding the disclosure of confidential
3 information.

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

15 B. Except concerning students on individualized education plans
16 (IEP) pursuant to the Individuals with Disabilities Education Act
17 (IDEA), P.L. No. 101-476, the State Board of Education shall not
18 have authority to prescribe student disciplinary policies for school
19 districts or to proscribe corporal punishment in the public schools.
20 The State Board of Education shall not have authority to require
21 school districts to file student disciplinary action reports more
22 often than once each year and shall not use disciplinary action
23 reports in determining a school district's or school site's
24 eligibility for program assistance including competitive grants.

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

6 D. The board of education of each school district in this state
7 shall have the option of adopting a procedure allowing teachers to
8 issue fines for violating the district's policy, pursuant to Section
9 2 of this act.

10 E. The State Board of Education shall promulgate rules for
11 monitoring school districts for compliance with this section and
12 providing sanctions for noncompliance with this section.

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

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

20 1. Specify the circumstances under which a student may be
21 assessed a fine;

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

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1 3. Provide exceptions for students under the age of eight (8)
2 and students on individualized education programs (IEP) pursuant to
3 the Individuals with Disabilities Education Act (IDEA), P.L. No.
4 101-476;

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

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

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

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

14 B. A district board of education that adopts a procedure for
15 fines shall establish an appeals process. The board policy shall
16 specify whether appeals shall be to a local committee composed of
17 district administrators or teachers or both, or to the district
18 board of education. If the policy requires appeals to a committee,
19 the policy may provide for appeal of the committee's decision to the
20 board. Decisions of the committee or the board may be appealed to
21 an administrative law judge. School districts are hereby authorized
22 to employ one or more administrative law judges to conduct appeal
23 proceedings.

1 C. Appeals procedures shall comply with all relevant state and
2 federal privacy laws regarding student data.

3 D. Revenue collected through the assessment of fines shall be
4 allocated by the district board of education for the purchase of
5 technology or the provision of scholarships.

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

12 SECTION 3. This act shall become effective July 1, 2013.

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

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