ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 911 By: Sharp and Pittman of the Senate

and

Wood of the House

[schools - discipline of children - community service - guidelines for policies - codification - effective date - ~~emergency~~]

AUTHOR: Add the following House Coauthor: Sherrer

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An Act relating to schools; amending 70 O.S. 2011, Section 24-100.4, as last amended by Section 2, Chapter 345, O.S.L. 2014 (70 O.S. Supp. 2015, Section 24-100.4), which relates to discipline of children; and allowing district boards of education to adopt procedures requiring students to perform campus-site service for violating district policy.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as last amended by Section 2, Chapter 345, O.S.L. 2014 (70 O.S. Supp. 2015, Section 24-100.4), is amended to read as follows:

Section 24-100.4 A. Each district board of education shall adopt a policy for the discipline of all children attending public 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. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;

2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, 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;

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 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 bullying make a determination regarding whether the conduct is actually occurring;

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

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

8. Contain procedures for reporting to law enforcement all documented and verified acts of 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 bullying;

10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;

11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;

12. 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;

13. 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;

14. 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

15. 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 14 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.

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. 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. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with 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.

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 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.

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.

F. The board of education of each school district in this state shall have the option of adopting a procedure that requires students to perform campus-site service for violating the district's policy.

G. The State Board of Education shall:

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 bullying; and

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

Passed the House of Representatives the 11th day of April, 2016.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2016.

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Presiding Officer of the Senate

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as last amended by Section 2, Chapter 345, O.S.L. 2014 (70 O.S. Supp. 2015, Section 24-100.4), is amended to read as follows:

Section 24-100.4. A. Each district board of education shall adopt a policy for the discipline of all children attending public 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. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;

2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, 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;

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 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 bullying make a determination regarding whether the conduct is actually occurring;

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

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

8. Contain procedures for reporting to law enforcement all documented and verified acts of 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 bullying;

10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;

11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;

12. 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;

13. 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;

14. 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

15. 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 14 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.

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. 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. The school district policy shall be implemented in a

manner that is ongoing throughout the school year and is integrated with 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.

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 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.

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.

F. The board of education of each school district in this state shall have the option of adopting a procedure that requires students to perform community service for violating the district's policy, pursuant to Section 2 of this act.

G. The State Board of Education shall:

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 bullying; and

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-100.8 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. District boards of education that adopt a procedure allowing a district superintendent to require that a student perform community service for violating the district's policy adopted pursuant to Section 24-100.4 of Title 70 of the Oklahoma Statutes shall:

1. Specify the circumstances under which a student may be required to perform community service and the procedures for an appeal;

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

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

4. Notify students and parents or guardians annually of the procedure allowing students to be required to perform community service for violations of the district's policy; and

5. Provide a procedure whereby a student may appeal such a requirement.

B. A district board of education that adopts a procedure pursuant to subsection A of this section shall establish an appeals process. The board policy shall specify whether appeals shall be to a local committee composed of district administrators or teachers or both or to the district board of education. If the policy requires appeals to a committee, the policy may provide for appeal of the committee's decision to the district board of education.

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

D. District boards of education that adopt a procedure pursuant to subsection A of this section shall make reports annually to the State Department of Education. Such reports shall, at a minimum, include the number of students required to perform community service and the behavior for which community service was required. Any data reported shall be submitted in an aggregated format.

~~SECTION 3. This act shall become effective July 1, 2016.~~

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

Passed the Senate the 2nd day of March, 2016.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2016.

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Presiding Officer of the House of Representatives