

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 911

By: Sharp and Pittman of the  
Senate

3

and

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Wood of the House

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8 [ schools - discipline of children - community  
9 service - guidelines for policies - codification -  
effective date -

emergency ]

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12 AUTHOR: Add the following House Coauthor: Sherrer

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

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

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

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1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as  
2 last amended by Section 2, Chapter 345, O.S.L. 2014 (70 O.S. Supp.  
3 2015, Section 24-100.4), is amended to read as follows:

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

10 1. Specifically address bullying by students at school and by  
11 electronic communication, if the communication is specifically  
12 directed at students or school personnel and concerns bullying at  
13 school;

14 2. Contain a procedure for reporting an act of bullying to a  
15 school official or law enforcement agency, including a provision  
16 that permits a person to report an act anonymously. No formal  
17 disciplinary action shall be taken solely on the basis of an  
18 anonymous report;

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

23 4. Contain a statement of how the policy is to be publicized  
24 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

1 criminal activity or reasonably have the potential to endanger  
2 school safety;

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

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

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

15 12. Address prevention by providing:

16 a. consequences and remedial action for a person who  
17 commits an act of bullying,

18 b. consequences and remedial action for a student found  
19 to have falsely accused another as a means of  
20 retaliation, reprisal or as a means of bullying, and

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

3 13. Establish a procedure for:

4 a. the investigation, determination and documentation of  
5 all incidents of bullying reported to school  
6 officials,

7 b. identifying the principal or a designee of the  
8 principal as the person responsible for investigating  
9 incidents of bullying,

10 c. reporting the number of incidents of bullying, and

11 d. determining the severity of the incidents and their  
12 potential to result in future violence;

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

17 15. Establish a procedure whereby a school may request the  
18 disclosure of any information concerning students who have received  
19 mental health, substance abuse, or other care pursuant to paragraph  
20 14 of this subsection that indicates an explicit threat to the  
21 safety of students or school personnel, provided the disclosure of  
22 the information does not violate the requirements and provisions of  
23 the Family Educational Rights and Privacy Act of 1974, the Health  
24 Insurance Portability and Accountability Act of 1996, Section 2503

1 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of  
2 the Oklahoma Statutes, or any other state or federal laws regarding  
3 the disclosure of confidential information.

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

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

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

1 The State Board of Education shall not have authority to require  
2 school districts to file student disciplinary action reports more  
3 often than once each year and shall not use disciplinary action  
4 reports in determining a school district's or school site's  
5 eligibility for program assistance including competitive grants.

6 E. The board of education of each school district in this state  
7 shall have the option of adopting a dress code for students enrolled  
8 in the school district. The board of education of a school district  
9 shall also have the option of adopting a dress code which includes  
10 school uniforms.

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

14 G. The State Board of Education shall:

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

18 2. Establish and maintain a central repository for the  
19 collection of information regarding documented and verified  
20 incidents of bullying; and

21 3. Publish a report annually on the State Department of  
22 Education website regarding the number of documented and verified  
23 incidents of bullying in the public schools in the state."  
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1 Passed the House of Representatives the 11th day of April, 2016.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2016.

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9 Presiding Officer of the Senate