

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 911

By: Sharp of the Senate

and

6 Wood of the House

7  
8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending 70 O.S. 2011,  
11 Section 24-100.4, as last amended by Section 2,  
12 Chapter 345, O.S.L. 2014 (70 O.S. Supp. 2015, Section  
13 24-100.4), which relates to discipline of children;  
14 allowing district boards of education to adopt  
15 policies to require students to perform community  
16 service for certain violations; providing guidelines  
17 for policies; providing for appeals process;  
18 requiring compliance with certain privacy laws;  
19 requiring submission of certain reports; providing  
20 for codification; providing an effective date; and  
21 declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as  
24 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:

25 Section 24-100.4. A. Each district board of education shall  
26 adopt a policy for the discipline of all children attending public  
27 school in that district, and for the investigation of reported

1 incidents of bullying. The policy shall provide options for the  
2 discipline of the students and shall define standards of conduct to  
3 which students are expected to conform. The policy shall:

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

8 2. Contain a procedure for reporting an act of bullying to a  
9 school official or law enforcement agency, including a provision  
10 that permits a person to report an act anonymously. No formal  
11 disciplinary action shall be taken solely on the basis of an  
12 anonymous report;

13 3. Contain a requirement that any school employee that has  
14 reliable information that would lead a reasonable person to suspect  
15 that a person is a target of bullying shall immediately report it to  
16 the principal or a designee of the principal;

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

- 19 a. an annual written notice of the policy be provided to  
20 parents, guardians, staff, volunteers and students,  
21 with age-appropriate language for students,  
22 b. notice of the policy be posted at various locations  
23 within each school site, including but not limited to  
24

1 cafeterias, school bulletin boards, and administration  
2 offices,

3 c. the policy be posted on the Internet website for the  
4 school district and each school site that has an  
5 Internet website, and

6 d. the policy be included in all student and employee  
7 handbooks;

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

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

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

17 8. Contain procedures for reporting to law enforcement all  
18 documented and verified acts of bullying which may constitute  
19 criminal activity or reasonably have the potential to endanger  
20 school safety;

21 9. Require annual training for administrators and school  
22 employees as developed and provided by the State Department of  
23 Education in preventing, identifying, responding to and reporting  
24 incidents of bullying;

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

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

9           12. Address prevention by providing:

- 10           a. consequences and remedial action for a person who  
11                commits an act of bullying,  
12           b. consequences and remedial action for a student found  
13                to have falsely accused another as a means of  
14                retaliation, reprisal or as a means of bullying, and  
15           c. a strategy for providing counseling or referral to  
16                appropriate services, including guidance, academic  
17                intervention, and other protection for students, both  
18                targets and perpetrators, and family members affected  
19                by bullying, as necessary;

20           13. Establish a procedure for:

- 21           a. the investigation, determination and documentation of  
22                all incidents of bullying reported to school  
23                officials,  
24

- 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

1 representatives, local law enforcement agencies and students. The  
2 students, teachers, and parents or guardian of every child residing  
3 within a school district shall be notified by the district board of  
4 education of its adoption of the policy and shall receive a copy  
5 upon request. The school district policy shall be implemented in a  
6 manner that is ongoing throughout the school year and is integrated  
7 with other violence prevention efforts.

8 C. The teacher of a child attending a public school shall have  
9 the same right as a parent or guardian to control and discipline  
10 such child according to district policies during the time the child  
11 is in attendance or in transit to or from the school or any other  
12 school function authorized by the school district or classroom  
13 presided over by the teacher.

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

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

10 G. The State Board of Education shall:

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

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

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

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

23 A. District boards of education that adopt a procedure allowing  
24 a district superintendent to require that a student perform

1 community service for violating the district's policy adopted  
2 pursuant to Section 24-100.4 of Title 70 of the Oklahoma Statutes  
3 shall:

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

7 2. Provide exceptions for students under the age of eight (8)  
8 and students on individualized education programs (IEP) pursuant to  
9 the Individuals with Disabilities Education Act (IDEA), P.L. No.  
10 101-476;

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

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

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

20 B. A district board of education that adopts a procedure  
21 pursuant to subsection A of this section shall establish an appeals  
22 process. The board policy shall specify whether appeals shall be to  
23 a local committee composed of district administrators or teachers or  
24 both or to the district board of education. If the policy requires

1 appeals to a committee, the policy may provide for appeal of the  
2 committee's decision to the district board of education.

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

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

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

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

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17 55-2-3021 EB 2/18/2016 3:56:41 PM