

1 ENGROSSED SENATE
2 BILL NO. 911

By: Sharp and Pittman of the
Senate

3 and

4 Wood of the House

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6
7 [schools - discipline of children - community
8 service - guidelines for policies - codification -
effective date -

emergency]

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

12 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
13 last amended by Section 2, Chapter 345, O.S.L. 2014 (70 O.S. Supp.
14 2015, Section 24-100.4), is amended to read as follows:

15 Section 24-100.4. A. Each district board of education shall
16 adopt a policy for the discipline of all children attending public
17 school in that district, and for the investigation of reported
18 incidents of bullying. The policy shall provide options for the
19 discipline of the students and shall define standards of conduct to
20 which students are expected to conform. The policy shall:

21 1. Specifically address bullying by students at school and by
22 electronic communication, if the communication is specifically
23 directed at students or school personnel and concerns bullying at
24 school;

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

6 3. Contain a requirement that any school employee that has
7 reliable information that would lead a reasonable person to suspect
8 that a person is a target of bullying shall immediately report it to
9 the principal or a designee of the principal;

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

12 a. an annual written notice of the policy be provided to
13 parents, guardians, staff, volunteers and students,
14 with age-appropriate language for students,

15 b. notice of the policy be posted at various locations
16 within each school site, including but not limited to
17 cafeterias, school bulletin boards, and administration
18 offices,

19 c. the policy be posted on the Internet website for the
20 school district and each school site that has an
21 Internet website, and

22 d. the policy be included in all student and employee
23 handbooks;
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1 5. Require that appropriate school district personnel involved
2 in investigating reports of bullying make a determination regarding
3 whether the conduct is actually occurring;

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

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

10 8. Contain procedures for reporting to law enforcement all
11 documented and verified acts of bullying which may constitute
12 criminal activity or reasonably have the potential to endanger
13 school safety;

14 9. Require annual training for administrators and school
15 employees as developed and provided by the State Department of
16 Education in preventing, identifying, responding to and reporting
17 incidents of bullying;

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

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

4 12. Address prevention by providing:

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

15 13. Establish a procedure for:

- 16 a. the investigation, determination and documentation of
17 all incidents of bullying reported to school
18 officials,
- 19 b. identifying the principal or a designee of the
20 principal as the person responsible for investigating
21 incidents of bullying,
- 22 c. reporting the number of incidents of bullying, and
- 23 d. determining the severity of the incidents and their
24 potential to result in future violence;

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

5 15. Establish a procedure whereby a school may request the
6 disclosure of any information concerning students who have received
7 mental health, substance abuse, or other care pursuant to paragraph
8 14 of this subsection that indicates an explicit threat to the
9 safety of students or school personnel, provided the disclosure of
10 the information does not violate the requirements and provisions of
11 the Family Educational Rights and Privacy Act of 1974, the Health
12 Insurance Portability and Accountability Act of 1996, Section 2503
13 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
14 the Oklahoma Statutes, or any other state or federal laws regarding
15 the disclosure of confidential information.

16 B. In developing the policy, the district board of education
17 shall make an effort to involve the teachers, parents,
18 administrators, school staff, school volunteers, community
19 representatives, local law enforcement agencies and students. The
20 students, teachers, and parents or guardian of every child residing
21 within a school district shall be notified by the district board of
22 education of its adoption of the policy and shall receive a copy
23 upon request. The school district policy shall be implemented in a
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1 manner that is ongoing throughout the school year and is integrated
2 with other violence prevention efforts.

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

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

19 E. The board of education of each school district in this state
20 shall have the option of adopting a dress code for students enrolled
21 in the school district. The board of education of a school district
22 shall also have the option of adopting a dress code which includes
23 school uniforms.

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

5 G. The State Board of Education shall:

6 1. Promulgate rules for periodically monitoring school
7 districts for compliance with this section and providing sanctions
8 for noncompliance with this section;

9 2. Establish and maintain a central repository for the
10 collection of information regarding documented and verified
11 incidents of bullying; and

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

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

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

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

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

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

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

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

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

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