

1 STATE OF OKLAHOMA

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

3 SENATE BILL 911

By: Sharp

4
5 AS INTRODUCED

6 An Act relating to schools; amending 70 O.S. 2011,
7 Section 24-100.4, as last amended by Section 2,
8 Chapter 345, O.S.L. 2014 (70 O.S. Supp. 2015, Section
9 24-100.4), which relates to discipline of children;
10 allowing district boards of education to adopt
11 policies for the issuance of fines; providing
12 guidelines for policies; providing for appeals
13 process; authorizing employment of certain judge;
14 requiring compliance with certain privacy laws;
15 directing use of funds collected; requiring
16 submission of certain reports; providing for
17 codification; providing an effective date; and
18 declaring an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
21 last amended by Section 2, Chapter 345, O.S.L. 2014 (70 O.S. Supp.
22 2015, Section 24-100.4), is amended to read as follows:

23 Section 24-100.4. A. Each district board of education shall
24 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 1. Specifically address bullying by students at school and by
2 electronic communication, if the communication is specifically
3 directed at students or school personnel and concerns bullying at
4 school;

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

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

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

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

19 b. notice of the policy be posted at various locations
20 within each school site, including but not limited to
21 cafeterias, school bulletin boards, and administration
22 offices,
23
24

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

4 d. the policy be included in all student and employee
5 handbooks;

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

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

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

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

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

23 10. Provide for an educational program as designed and
24 developed by the State Department of Education and in consultation

1 with the Office of Juvenile Affairs for students and parents in
2 preventing, identifying, responding to and reporting incidents of
3 bullying;

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

7 12. Address prevention by providing:

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

18 13. Establish a procedure for:

- 19 a. the investigation, determination and documentation of
20 all incidents of bullying reported to school
21 officials,
- 22 b. identifying the principal or a designee of the
23 principal as the person responsible for investigating
24 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

1 education of its adoption of the policy and shall receive a copy
2 upon request. The school district policy shall be implemented in a
3 manner that is ongoing throughout the school year and is integrated
4 with other violence prevention efforts.

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

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

21 E. The board of education of each school district in this state
22 shall have the option of adopting a dress code for students enrolled
23 in the school district. The board of education of a school district
24

1 shall also have the option of adopting a dress code which includes
2 school uniforms.

3 F. The board of education of each school district in this state
4 shall have the option of adopting a procedure allowing
5 superintendents, principals and vice principals to issue fines for
6 violating the district's policy, pursuant to Section 2 of this act.

7 G. The State Board of Education shall:

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

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

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

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

20 A. District boards of education that adopt a procedure allowing
21 superintendents, principals and vice principals to issue fines for
22 violating the district's policy adopted pursuant to Section 24-100.4
23 of Title 70 of the Oklahoma Statutes shall:
24

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

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

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

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

13 5. Provide alternative methods for students and/or parents or
14 guardians to pay any assessed fines, including but not limited to,
15 requiring the student and his or her parent or guardian to undergo
16 counseling in lieu of paying a fine;

17 6. Notify students and parents or guardians annually of the
18 procedure used to fine students for violations of the district's
19 policy; and

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

21 B. A district board of education that adopts a procedure for
22 fines shall establish an appeals process. The board policy shall
23 specify whether appeals shall be to a local committee composed of
24 district administrators or teachers or both, or to the district

1 board of education. If the policy requires appeals to a committee,
2 the policy may provide for appeal of the committee's decision to the
3 board. Decisions of the committee or the board may be appealed to
4 an administrative law judge. School districts are hereby authorized
5 to employ one or more administrative law judges to conduct appeal
6 proceedings.

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

9 D. Revenue collected through the assessment of fines shall be
10 allocated by the district board of education to provide campus
11 security or academic scholarships.

12 E. District boards of education that adopt a procedure allowing
13 the issuance of fines shall make reports annually to the State
14 Department of Education. Such reports shall, at a minimum, include
15 the number of fines issued, the behavior for which fines were issued
16 and the amount of money collected. Any data reported shall be
17 submitted in an aggregated format.

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

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

23
24 55-2-1998

EB

2/18/2016 7:14:42 PM