

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1661 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Lee Denney

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1661

By: Denney

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Sections 24-100.2, 24-100.3, 24-100.4 and 24-100.5, which relate to the School Bullying Prevention Act; changing name of the act; expanding statement of findings; modifying definition; modifying requirement for school districts to adopt a control and discipline policy; requiring policies to contain or establish certain procedures, requirements and statements to identify certain persons and to address prevention in a certain manner; modifying certain required procedures; including certain additional persons in development of a policy; providing for implementation of a policy in a certain manner; modifying and adding duties of the State Board of Education; updating statutory language; making certain findings; modifying purposes for creating Safe School Committees; modifying membership; allowing additional persons to serve on the Safe School Committee; requiring the Committee to serve as primary conduit for certain purposes; modifying responsibility of the Committee; modifying and adding duties of the State Department of Education; deleting exception for technology center schools; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.2, is amended to read as follows:

1 Section 24-100.2 Sections ~~1~~ 24-100.2 through ~~4~~ 24-100.5 of this
2 ~~act~~ title shall be known and may be cited as the "School Safety and
3 Bullying Prevention Act".

4 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.3, is
5 amended to read as follows:

6 Section 24-100.3 A. The Legislature finds that bullying has a
7 negative effect on the social environment of schools, creates a
8 climate of fear among students, inhibits their ability to learn, and
9 leads to other antisocial behavior. Bullying behavior has been
10 linked to other forms of antisocial behavior, such as vandalism,
11 shoplifting, skipping and dropping out of school, fighting, ~~and~~ the
12 use of drugs and alcohol, violent assault and battery, homicide and
13 suicide. Research has shown that sixty percent (60%) of males who
14 were bullies in grades six through nine were convicted of at least
15 one crime as adults, and thirty-five percent (35%) to forty percent
16 (40%) of these former bullies had three or more convictions by
17 twenty-four (24) years of age. Successful programs to recognize,
18 prevent, and effectively intervene in bullying behavior have been
19 developed and replicated in schools across the country. These
20 schools send the message that bullying behavior is not tolerated
21 and, as a result, have improved safety and created a more inclusive
22 learning environment.

23 B. The purpose of the School Safety and Bullying Prevention
24 Act is to provide a comprehensive approach for the public schools

1 of this state to create an environment free of unnecessary
2 disruption which is conducive to the learning process by
3 implementing policies for the prevention of harassment,
4 intimidation, and bullying.

5 C. As used in the School Safety and Bullying Prevention Act:

6 1. "Harassment, intimidation, and bullying" means any gesture,
7 written or verbal expression, electronic communication, or physical
8 act that a reasonable person should know will harm another student,
9 damage another student's property, place another student in
10 reasonable fear of harm to the student's person or damage to the
11 student's property, or insult or demean any student or group of
12 students in such a way as to disrupt or interfere with the school's
13 educational mission or the education of any student. "Harassment,
14 intimidation, and bullying" include, but are not limited to,
15 gestures, written, verbal, or physical acts, or electronic
16 communications;

17 2. "At school" means on school grounds, in school vehicles, at
18 designated school bus stops, at school-sponsored activities, or at
19 school-sanctioned events;

20 3. "Electronic communication" means the communication of any
21 written, verbal, ~~or~~ pictorial information or video content by means
22 of an electronic device, including, but not limited to, a telephone,
23 a mobile or cellular telephone, paggers, or other wireless
24 telecommunication device, or a computer which communication

1 includes, but is not limited to, e-mail, instant messaging, text
2 messages, blogs, social media, online games and Internet websites,
3 whether or not the conduct or communication originated at school or
4 with school equipment or during school hours; and

5 4. "Threatening behavior" means any pattern of behavior or
6 isolated action, whether or not it is directed at another person,
7 that a reasonable person would believe indicates potential for
8 future harm to students, school personnel, or school property.

9 D. Nothing in this act shall be construed to impose a specific
10 liability on any school district.

11 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-100.4, is
12 amended to read as follows:

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

21 1. Specifically prohibit threatening behavior, harassment,
22 intimidation, and bullying by students at school and by electronic
23 communication, whether or not such communication originated at
24 school or with school equipment, if the communication is

specifically directed at students or school personnel and concerns harassment, intimidation, or bullying at school or off school grounds if the harassment, intimidation or bullying will disrupt or interfere with the educational mission of the school or the education of any student;

2. Contain a procedure for reporting an act of harassment, intimidation or bullying to a school official, 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 harassment, intimidation or 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,

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 harassment, intimidation or bullying
8 make a formal finding of fact regarding whether the conduct is
9 actually occurring;

10 6. Contain a procedure for providing immediate notification
11 after a documented and verified incident to the parents or guardians
12 of a victim of harassment, intimidation or bullying and the parents
13 or guardians of the perpetrator of the harassment, intimidation or
14 bullying;

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

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

1 10. Provide for an educational program as designed and
2 developed by the State Department of Education for students and
3 parents in preventing, identifying, responding to and reporting
4 incidents of harassment, intimidation or bullying;

5 11. Address prevention of and education about such behavior by
6 providing:

7 a. consequences and appropriate remedial action for a
8 person who commits an act of harassment, intimidation
9 or bullying,

10 b. consequences and appropriate remedial action for a
11 student found to have falsely accused another as a
12 means of retaliation, reprisal or as a means of
13 harassment, intimidation or bullying, and

14 c. a strategy for providing counseling or referral to
15 appropriate services, including guidance, academic
16 intervention, and other protection for students, both
17 targets and perpetrators, and appropriate family
18 members affected by harassment, intimidation or
19 bullying, as necessary;

20 ~~3.~~ 12. Establish a procedure for the investigation of:

21 a. the investigation, determination and documentation of
22 all incidents of harassment, intimidation, bullying,
23 or threatening behavior reported to school officials
24 for the purpose of determining,

1 b. identifying the principal or a designee of the
2 principal as the person responsible for investigating
3 incidents of harassment, intimidation or bullying and
4 documenting whether the reported acts actually
5 occurred,

6 c. reporting the number of documented incidents of
7 harassment, intimidation or bullying, and

8 d. determining in a reasonable manner the severity of the
9 incidents and their potential to result in future
10 violence;

11 ~~4.~~ 13. Establish a procedure whereby, upon completing an
12 investigation ~~pursuant to paragraph 3 of this subsection of~~
13 harassment, intimidation, bullying or threatening behavior, a school
14 may recommend that available community mental health care, substance
15 abuse or other counseling options be provided to the student, if
16 appropriate; and

17 ~~5.~~ 14. 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 ~~4~~ 13 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
8 affected. The students, teachers, and parents or guardian of every
9 child residing within a school district shall be notified by the
10 district board of education of its adoption of the policy and shall
11 receive a copy upon request. ~~Provided, the~~ The school district
12 policy shall be implemented in a manner that is ongoing throughout
13 the school year and is integrated with the curriculum and other
14 violence prevention efforts.

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

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

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

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

12 ~~D.~~ F. The State Board of Education shall ~~promulgate:~~

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

16 2. Establish and maintain a central repository for the
17 collection of information regarding documented and verified
18 incidents of harassment, intimidation or bullying; and

19 3. Publish a report annually on the State Department of
20 Education website regarding the number of documented and verified
21 incidents of harassment, intimidation or bullying in the public
22 schools in the state.

23 SECTION 4. AMENDATORY 70 O.S. 2011, Section 24-100.5, is
24 amended to read as follows:

1 Section 24-100.5 A. Due to increased incidences and threats of
2 violence in the public schools and the growing concern among
3 schools, families and communities regarding safety and the ever
4 constant threat of violence in the public schools, it is the intent
5 of the Legislature ~~that~~ to encourage and assist public schools and
6 ~~families work together to combat this rising problem~~ to enhance the
7 safety, security and effectiveness of the learning environment and
8 to promote a positive school climate through effective prevention,
9 readiness and response strategies. A positive school climate is a
10 "safe haven" for students, teachers, staff and administrators where
11 teaching and learning take place in an environment free of violence,
12 intimidation, bullying, fear and drug use, and in a climate that
13 promotes success for all students and the educators who serve them.
14 Therefore, ~~beginning October 1, 1996, and every year thereafter,~~
15 each public school site shall establish a Safe School Committee to
16 be composed of at least seven (7) members. The Safe School
17 Committee shall be composed of ~~an equal number of~~ teachers, parents
18 of the children affected, students, and a school official who
19 participates in the investigation of reports of harassment,
20 intimidation, bullying, and threatening behavior as required by
21 subsection A of Section 24-100.4 of this title. The Committee may
22 include administrators, school staff, school volunteers, community
23 representatives, and local law enforcement agencies. The Committee
24 shall serve as the primary conduit for promoting a positive school

1 climate through planning, implementing and evaluating effective
2 prevention, readiness and response strategies, including the policy
3 required by Section 24-100.4 of this title.

4 B. The Safe School Committee shall study and make
5 recommendations to the principal regarding:

6 1. Unsafe conditions, possible strategies for students, faculty
7 and staff to avoid physical, emotional and social harm at school,
8 student victimization, crime prevention, school violence, and other
9 issues which prohibit the maintenance of a safe school;

10 2. Student harassment, intimidation, and bullying ~~at school~~ as
11 defined in Section 24-100.3 of this title;

12 3. Professional development needs of faculty and staff to
13 recognize and implement methods to decrease student harassment,
14 intimidation, and bullying; and

15 4. Methods to encourage the involvement of the community and
16 students, the development of individual relationships between
17 students and school staff, and use of problem-solving teams and
18 resources that include counselors ~~and/or school psychologists and~~
19 other behavioral health resources within or outside the school
20 system.

21 In its considerations, the Safe School Committee shall review
22 the district policy for the prevention of harassment, intimidation
23 and bullying and the list of research-based programs appropriate for
24 the prevention of harassment, intimidation, and bullying of students

1 at school compiled by the State Department of Education. In
2 addition, the Committee may review traditional and accepted
3 harassment, intimidation, and bullying prevention programs utilized
4 by other states, state agencies, or school districts.

5 C. The State Department of Education shall ~~compile~~:

6 1. Develop a model policy and shall develop and deliver
7 training materials to all school districts on the components that
8 should be included in a school district policy for the prevention of
9 harassment, intimidation and bullying; and

10 2. Compile and distribute to each public school site a list of
11 research-based programs appropriate for the prevention of
12 harassment, intimidation, and bullying of students ~~at school~~. If a
13 school district implements a commercial bullying prevention program,
14 it shall use a program listed by the State Department of Education.

15 ~~D. The provisions of this section shall not apply to technology~~
16 ~~center schools.~~

17 SECTION 5. This act shall become effective July 1, 2013.

18 SECTION 6. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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23 54-1-6855 KB 02/07/13
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