

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1661

By: Denney

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 definitions; 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 direct or
7 indirect continual pattern of physical, verbal, or psychological
8 intimidation, harassment, or abuse manifested by any gesture,
9 written or verbal expression, electronic communication, or physical
10 act ~~that a reasonable person should know will harm another student,~~
11 ~~damage another student's property, place another student in~~
12 ~~reasonable fear of harm to the student's person or damage to the~~
13 ~~student's property, or insult or demean any student or group of~~
14 ~~students in such a way as to disrupt or interfere with the school's~~
15 ~~educational mission or the education of any student. "Harassment,~~
16 ~~intimidation, and bullying" include, but are not limited to,~~
17 ~~gestures, written, verbal, or physical acts, or electronic~~
18 ~~communications~~ directed toward a student or group of students or
19 about a student or group of students that results in or is
20 reasonably perceived as being done with the intent to cause negative
21 educational, physical, mental, emotional, social or economic results
22 for the targeted individual or group;
23
24

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

4 3. "Electronic communication" means the communication of any
5 written, verbal, ~~or~~ pictorial information or video content by means
6 of an electronic device, including, but not limited to, a telephone,
7 a mobile or cellular telephone, pagers, or other wireless
8 telecommunication device, or a computer which communication
9 includes, but is not limited to, e-mail, instant messaging, text
10 messages, blogs, social media, online games and Internet websites,
11 whether or not the conduct or communication originated at school or
12 with school equipment or during school hours; and

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

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

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

21 Section 24-100.4 A. Each district board of education shall
22 adopt a policy for the control and discipline of all children
23 attending public school in that district, and for the investigation
24 of reported incidents of harassment, intimidation, bullying, or

1 threatening behavior. ~~Such~~ The policy shall provide options for the
2 methods of control and discipline of the students and shall define
3 standards of conduct to which students are expected to conform. The
4 policy shall:

5 1. Specifically prohibit threatening behavior, harassment,
6 intimidation, and bullying by students at school and by electronic
7 communication, whether or not such communication originated at
8 school or with school equipment, if the communication is
9 specifically directed at students or school personnel and concerns
10 harassment, intimidation, or bullying at school or off school
11 grounds if the harassment, intimidation or bullying will disrupt or
12 interfere with the educational mission of the school or the
13 education of any student;

14 2. Contain a procedure for reporting an act of harassment,
15 intimidation or bullying to a school official, 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 harassment, intimidation or bullying
22 shall immediately report it to the principal or a designee of the
23 principal;

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

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

6 b. notice of the policy be posted at various locations
7 within each school site, including but not limited to
8 cafeterias, school bulletin boards, and administration
9 offices,

10 c. the policy be posted on the Internet website for the
11 school district and each school site that has an
12 Internet website, and

13 d. the policy be included in all student and employee
14 handbooks;

15 5. Require that appropriate school district personnel involved
16 in investigating reports of harassment, intimidation or bullying
17 make a formal finding of fact regarding whether the conduct is
18 actually occurring;

19 6. Contain a procedure for providing immediate notification
20 after a documented and verified incident to the parents or guardians
21 of a victim of harassment, intimidation or bullying and the parents
22 or guardians of the perpetrator of the harassment, intimidation or
23 bullying;

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

3 8. Contain procedures for reporting to law enforcement all
4 documented and verified acts of harassment, intimidation or bullying
5 which may constitute criminal activity or reasonably have the
6 potential to endanger school safety;

7 9. Require annual training for administrators and school
8 employees as developed and provided by the State Department of
9 Education in preventing, identifying, responding to and reporting
10 incidents of harassment, intimidation or bullying;

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

15 11. Address prevention ~~of and education about such behavior~~ by
16 providing:

17 a. consequences and appropriate remedial action for a
18 person who commits an act of harassment, intimidation
19 or bullying,

20 b. consequences and appropriate remedial action for a
21 student found to have falsely accused another as a
22 means of retaliation, reprisal or as a means of
23 harassment, intimidation or bullying, and
24

1 c. a strategy for providing counseling or referral to
2 appropriate services, including guidance, academic
3 intervention, and other protection for students, both
4 targets and perpetrators, and appropriate family
5 members affected by harassment, intimidation or
6 bullying, as necessary;

7 ~~3. 12.~~ Establish a procedure for ~~the investigation of:~~

8 a. the investigation, determination and documentation of
9 all incidents of harassment, intimidation, bullying,
10 or threatening behavior reported to school officials
11 for the purpose of determining,

12 b. identifying the principal or a designee of the
13 principal as the person responsible for investigating
14 incidents of harassment, intimidation or bullying and
15 documenting whether the reported acts actually
16 occurred,

17 c. reporting the number of documented incidents of
18 harassment, intimidation or bullying, and

19 d. determining in a reasonable manner the severity of the
20 incidents and their potential to result in future
21 violence;

22 ~~4. 13.~~ Establish a procedure whereby, upon completing an
23 investigation ~~pursuant to paragraph 3 of this subsection of~~
24 harassment, intimidation, bullying or threatening behavior, a school

1 may recommend that available community mental health care, substance
2 abuse or other counseling options be provided to the student, if
3 appropriate; and

4 ~~5.~~ 14. Establish a procedure whereby a school may request the
5 disclosure of any information concerning students who have received
6 mental health, substance abuse, or other care pursuant to paragraph
7 4 13 of this subsection that indicates an explicit threat to the
8 safety of students or school personnel, provided the disclosure of
9 the information does not violate the requirements and provisions of
10 the Family Educational Rights and Privacy Act of 1974, the Health
11 Insurance Portability and Accountability Act of 1996, Section 2503
12 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
13 the Oklahoma Statutes, or any other state or federal laws regarding
14 the disclosure of confidential information.

15 B. In developing the policy, the district board of education
16 shall make an effort to involve the teachers, parents,
17 administrators, school staff, school volunteers, community
18 representatives, local law enforcement agencies and students
19 affected. The students, teachers, and parents or guardian of every
20 child residing within a school district shall be notified by the
21 district board of education of its adoption of the policy and shall
22 receive a copy upon request. ~~Provided, the~~ The school district
23 policy shall be implemented in a manner that is ongoing throughout
24

1 the school year and is integrated with the curriculum and other
2 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 ~~B.~~ D. Except concerning students on individualized education
10 plans (IEP) pursuant to the Individuals with Disabilities Education
11 Act (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 ~~C.~~ E. The board of education of each school district in this
20 state shall have the option of adopting a dress code for students
21 enrolled in the school district. The board of education of a school
22 district shall also have the option of adopting a dress code which
23 includes school uniforms.

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

1 1. Promulgate rules for periodically monitoring school
2 districts for compliance with this section and providing sanctions
3 for noncompliance with this section;

4 2. Establish and maintain a central repository for the
5 collection of information regarding documented and verified
6 incidents of harassment, intimidation or bullying; and

7 3. Publish a report annually on the State Department of
8 Education website regarding the number of documented and verified
9 incidents of harassment, intimidation or bullying in the public
10 schools in the state.

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

13 Section 24-100.5 A. Due to increased incidences and threats of
14 violence in the public schools and the growing concern among
15 schools, families and communities regarding safety and the ever
16 constant threat of violence in the public schools, it is the intent
17 of the Legislature ~~that~~ to encourage and assist public schools and
18 ~~families work together to combat this rising problem~~ to enhance the
19 safety, security and effectiveness of the learning environment and
20 to promote a positive school climate through effective prevention,
21 readiness and response strategies. A positive school climate is a
22 "safe haven" for students, teachers, staff and administrators where
23 teaching and learning take place in an environment free of violence,
24 intimidation, bullying, fear and drug use, and in a climate that

1 promotes success for all students and the educators who serve them.
2 Therefore, ~~beginning October 1, 1996, and every year thereafter,~~
3 each public school site shall establish a Safe School Committee to
4 be composed of at least seven (7) members. The Safe School
5 Committee shall be composed of ~~an equal number of~~ teachers, parents
6 of the children affected, students, and a school official who
7 participates in the investigation of reports of harassment,
8 intimidation, bullying, and threatening behavior as required by
9 subsection A of Section 24-100.4 of this title. The Committee may
10 include administrators, school staff, school volunteers, community
11 representatives, and local law enforcement agencies. The Committee
12 shall serve as the primary conduit for promoting a positive school
13 climate through planning, implementing and evaluating effective
14 prevention, readiness and response strategies, including the policy
15 required by Section 24-100.4 of this title.

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

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

22 2. Student harassment, intimidation, and bullying ~~at school~~ as
23 defined in Section 24-100.3 of this title;
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1 3. Professional development needs of faculty and staff to
2 recognize and implement methods to decrease student harassment,
3 intimidation, and bullying; and

4 4. Methods to encourage the involvement of the community and
5 students, the development of individual relationships between
6 students and school staff, and use of problem-solving teams and
7 resources that include counselors ~~and/or school psychologists~~ and
8 other behavioral health resources within or outside the school
9 system.

10 In its considerations, the Safe School Committee shall review
11 the district policy for the prevention of harassment, intimidation
12 and bullying and the list of research-based programs appropriate for
13 the prevention of harassment, intimidation, and bullying of students
14 at school compiled by the State Department of Education. In
15 addition, the Committee may review traditional and accepted
16 harassment, intimidation, and bullying prevention programs utilized
17 by other states, state agencies, or school districts.

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

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

23 2. Compile and distribute to each public school site,
24 prominently display on the State Department of Education website and

1 annually publicize in print media a list of research-based programs
2 appropriate for the prevention of harassment, intimidation, and
3 bullying of students ~~at school~~. If a school district implements a
4 commercial bullying prevention program, it shall use a program
5 listed by the State Department of Education.

6 ~~D. The provisions of this section shall not apply to technology~~
7 ~~center schools.~~

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

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

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