

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 1661, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Halligan

Halligan-EB-FS-Req#1733
4/4/2013 10:15 AM

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

FLOOR SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1661

By: By:Denney, Pittman, Wood,
Bennett, Sherrer, Nollan,
McDaniel (Jeannie) and
Shelton of the House

and

Halligan of the Senate

FLOOR SUBSTITUTE

[schools - discipline policy - Safe School Committee
- duties of the State Department of Education -
effective date -

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:

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

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

Section 24-100.3 A. ~~The Legislature finds that bullying has a
negative effect on the social environment of schools, creates a~~

1 ~~climate of fear among students, inhibits their ability to learn, and~~
2 ~~leads to other antisocial behavior. Bullying behavior has been~~
3 ~~linked to other forms of antisocial behavior, such as vandalism,~~
4 ~~shoplifting, skipping and dropping out of school, fighting, and the~~
5 ~~use of drugs and alcohol. Research has shown that sixty percent~~
6 ~~(60%) of males who were bullies in grades six through nine were~~
7 ~~convicted of at least one crime as adults, and thirty-five percent~~
8 ~~(35%) to forty percent (40%) of these former bullies had three or~~
9 ~~more convictions by twenty-four (24) years of age. Successful~~
10 ~~programs to recognize, prevent, and effectively intervene in~~
11 ~~bullying behavior have been developed and replicated in schools~~
12 ~~across the country. These schools send the message that bullying~~
13 ~~behavior is not tolerated and, as a result, have improved safety and~~
14 ~~created a more inclusive learning environment.~~

15 ~~B. The purpose of the School Bullying Prevention Act is to~~
16 ~~provide a comprehensive approach for the public schools of this~~
17 ~~state to create an environment free of unnecessary disruption which~~
18 ~~is conducive to the learning process by implementing policies for~~
19 ~~the prevention of harassment, intimidation, and bullying.~~

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

21 ~~1. "Harassment, intimidation, and bullying Bullying" means any~~
22 ~~gesture, written pattern of harassment, intimidation, threatening~~
23 ~~behavior, physical acts, verbal or ~~verbal expression,~~ electronic~~
24 ~~communication, or physical act that a reasonable person should know~~

1 ~~will harm another student, damage another student's property, place~~
2 ~~another student in reasonable fear of harm to the student's person~~
3 ~~or damage to the student's property, or insult or demean any student~~
4 ~~or group of students in such a way as to disrupt or interfere with~~
5 ~~the school's educational mission or the education of any student.~~
6 ~~"Harassment, intimidation, and bullying" include, but are not~~
7 ~~limited to, gestures, written, verbal, or physical acts, or~~
8 ~~electronic communications~~ directed toward a student or group of
9 students that results in or is reasonably perceived as being done
10 with the intent to cause negative educational or physical results
11 for the targeted individual or group and is communicated in such a
12 way as to disrupt or interfere with the school's educational mission
13 or the education of any student;

14 2. "At school" means on school grounds, in school vehicles, ~~at~~
15 ~~designated school bus stops,~~ at school-sponsored activities, or at
16 school-sanctioned events;

17 3. "Electronic communication" means the communication of any
18 written, verbal, ~~or~~ pictorial information or video content by means
19 of an electronic device, including, but not limited to, a telephone,
20 a mobile or cellular telephone or other wireless telecommunication
21 device, or a computer; and

22 4. "Threatening behavior" means any pattern of behavior or
23 isolated action, whether or not it is directed at another person,
24

1 that a reasonable person would believe indicates potential for
2 future harm to students, school personnel, or school property.

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

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

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

15 1. Specifically ~~prohibit~~ address ~~threatening behavior,~~
16 ~~harassment, intimidation, and~~ bullying by students at school and by
17 electronic communication, ~~whether or not such communication~~
18 ~~originated at school or with school equipment,~~ if the communication
19 is specifically directed at students or school personnel and
20 concerns ~~harassment, intimidation, or~~ bullying at school;

21 2. Contain a procedure for reporting an act of bullying to a
22 school official, including a provision that permits a person to
23 report an act anonymously. No formal disciplinary action shall be
24 taken solely on the basis of an anonymous report;

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

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

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

10 b. notice of the policy be posted at various locations
11 within each school site, including but not limited to
12 cafeterias, school bulletin boards, and administration
13 offices,

14 c. the policy be posted on the Internet website for the
15 school district and each school site that has an
16 Internet website, and

17 d. the policy be included in all student and employee
18 handbooks;

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

22 6. Contain a procedure for providing timely notification to the
23 parents or guardians of a victim of documented and verified bullying
24

1 and to the parents or guardians of the perpetrator of the documented
2 and verified bullying;

3 7. Identify by job title the school official responsible for
4 enforcing the policy;

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

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

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

17 11. Address prevention ~~of and education about such behavior~~ by
18 providing:

19 a. consequences and remedial action for a person who
20 commits an act of bullying,

21 b. consequences and remedial action for a student found
22 to have falsely accused another as a means of
23 retaliation, reprisal or as a means of 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 family members affected
5 by bullying, as necessary;

6 ~~3.~~ 12. Establish a procedure for ~~the investigation of:~~

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

11 b. identifying the principal or a designee of the
12 principal as the person responsible for investigating
13 incidents of bullying,

14 c. reporting the number of incidents of bullying, and

15 d. determining the severity of the incidents and their
16 potential to result in future violence;

17 ~~4.~~ 13. Establish a procedure whereby, upon completing an
18 investigation ~~pursuant to paragraph 3 of this subsection of~~
19 bullying, a school may recommend that available community mental
20 health care, substance abuse or other counseling options be provided
21 to the student, if appropriate; and

22 ~~5.~~ 14. Establish a procedure whereby a school may request the
23 disclosure of any information concerning students who have received
24 mental health, substance abuse, or other care pursuant to paragraph

1 4 13 of this subsection that indicates an explicit threat to the
2 safety of students or school personnel, provided the disclosure of
3 the information does not violate the requirements and provisions of
4 the Family Educational Rights and Privacy Act of 1974, the Health
5 Insurance Portability and Accountability Act of 1996, Section 2503
6 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
7 the Oklahoma Statutes, or any other state or federal laws regarding
8 the disclosure of confidential information.

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

20 C. The teacher of a child attending a public school shall have
21 the same right as a parent or guardian to control and discipline
22 such child according to district policies during the time the child
23 is in attendance or in transit to or from the school or any other
24

1 school function authorized by the school district or classroom
2 presided over by the teacher.

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

13 ~~C.~~ E. The board of education of each school district in this
14 state shall have the option of adopting a dress code for students
15 enrolled in the school district. The board of education of a school
16 district shall also have the option of adopting a dress code which
17 includes school uniforms.

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

19 1. Promulgate rules for periodically monitoring school
20 districts for compliance with this section and providing sanctions
21 for noncompliance with this section;

22 2. Establish and maintain a central repository for the
23 collection of information regarding documented and verified
24 incidents of bullying; and

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

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

6 Section 24-100.5 A. ~~Due to the growing concern regarding~~
7 ~~safety and the ever constant threat of violence in the public~~
8 ~~schools, it is the intent of the Legislature that public schools and~~
9 ~~families work together to combat this rising problem. Therefore,~~
10 ~~beginning October 1, 1996, and every~~ Every year thereafter, each
11 public school site shall establish a Safe School Committee to be
12 composed of at least seven (7) members. The Safe School Committee
13 shall be composed of ~~an equal number of~~ teachers, parents of ~~the~~
14 ~~children affected~~ enrolled students, students, and a school official
15 who participates in the investigation of reports of ~~harassment,~~
16 ~~intimidation,~~ bullying, ~~and threatening behavior~~ as required by
17 subsection A of Section 24-100.4 of this title. The Committee may
18 include administrators, school staff, school volunteers, community
19 representatives, and local law enforcement agencies. The Committee
20 shall assist the school board in promoting a positive school climate
21 through planning, implementing and evaluating effective prevention,
22 readiness and response strategies, including the policy required by
23 Section 24-100.4 of this title.

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

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

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

9 3. Professional development needs of faculty and staff to
10 recognize and implement methods to decrease student ~~harassment,~~
11 ~~intimidation, and bullying;~~ and

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

18 In its considerations, the Safe School Committee shall review
19 the district policy for the prevention of bullying and the list of
20 research-based programs appropriate for the prevention of bullying
21 of students at school compiled by the State Department of Education.
22 In addition, the Committee may review traditional and accepted
23 ~~harassment, intimidation, and bullying~~ prevention programs utilized
24 by other states, state agencies, or school districts.

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

2 1. Develop a model policy and deliver training materials to all
3 school districts on the components that should be included in a
4 school district policy for the prevention of bullying; and

5 2. Compile and distribute to each public school site,
6 prominently display on the State Department of Education website and
7 annually publicize in print media a list of research-based programs
8 appropriate for the prevention of ~~harassment, intimidation, and~~
9 bullying of students ~~at school~~. If a school district implements a
10 commercial bullying prevention program, it shall use a program
11 listed by the State Department of Education.

12 D. The provisions of this section shall not apply to technology
13 center schools.

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

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

19
20 54-1-1733 EB 4/4/2013 10:15:58 AM
21
22
23
24