

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1661

By: Denney

AS INTRODUCED

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; 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 includes

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

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

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

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

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

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

21 b. notice of the policy be posted at various locations
22 within each school site, including but not limited to
23 cafeterias, school bulletin boards, and administration
24 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. Contain a procedure for providing immediate notification
7 after an incident to the parents or guardian of a victim of
8 harassment, intimidation or bullying and the parents or guardian of
9 the perpetrator of the harassment, intimidation or bullying;

10 6. Identify by job title the school official responsible for
11 implementing and enforcing the policy;

12 7. Contain procedures for reporting to law enforcement all acts
13 of harassment, intimidation or bullying which may constitute
14 criminal activity or reasonably have the potential to endanger
15 school safety;

16 8. Require annual training for administrators and school
17 employees in preventing, identifying, responding to and reporting
18 incidents of harassment, intimidation or bullying;

19 9. Provide for an educational program for students and parents
20 in preventing, identifying, responding to and reporting incidents of
21 harassment, intimidation or bullying;

22 10. Address prevention ~~of and education about such behavior~~ by
23 providing:

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

~~3.~~ 11. Establish a procedure for ~~the investigation of:~~

- a. the investigation and documentation of all incidents of harassment, intimidation, bullying, or threatening behavior reported to school officials ~~for the purpose of determining,~~
- b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of harassment, intimidation or bullying,
- c. reporting all incidents of harassment, intimidation or bullying and the resulting consequences, including

1 discipline and referrals to the board of education on
2 a semiannual basis, and

3 d. determining in a reasonable manner the severity of the
4 incidents and their potential to result in future
5 violence;

6 ~~4.~~ 12. Establish a procedure whereby, upon completing an
7 investigation ~~pursuant to paragraph 3 of this subsection of~~
8 harassment, intimidation, bullying or threatening behavior, a school
9 may recommend that available community mental health care, substance
10 abuse or other counseling options be provided to the student, if
11 appropriate; and

12 ~~5.~~ 13. Establish a procedure whereby a school may request the
13 disclosure of any information concerning students who have received
14 mental health, substance abuse, or other care pursuant to paragraph
15 ~~4~~ 12 of this subsection that indicates an explicit threat to the
16 safety of students or school personnel, provided the disclosure of
17 the information does not violate the requirements and provisions of
18 the Family Educational Rights and Privacy Act of 1974, the Health
19 Insurance Portability and Accountability Act of 1996, Section 2503
20 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
21 the Oklahoma Statutes, or any other state or federal laws regarding
22 the disclosure of confidential information.

23 B. In developing the policy, the district board of education
24 shall make an effort to involve the teachers, parents,

1 administrators, school staff, school volunteers, community
2 representatives, local law enforcement agencies and students
3 affected. The students, teachers, and parents or guardian of every
4 child residing within a school district shall be notified by the
5 district board of education of its adoption of the policy and shall
6 receive a copy upon request. ~~Provided, the~~ The school district
7 policy shall be implemented in a manner that is ongoing throughout
8 the school year and is integrated with the curriculum and other
9 violence prevention efforts.

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

16 ~~B.~~ D. Except concerning students on individualized education
17 plans (IEP) pursuant to the Individuals with Disabilities Education
18 Act (IDEA), P.L. No. 101-476, the State Board of Education shall not
19 have authority to prescribe student disciplinary policies for school
20 districts or to proscribe corporal punishment in the public schools.
21 The State Board of Education shall not have authority to require
22 school districts to file student disciplinary action reports more
23 often than once each year and shall not use disciplinary action
24

1 reports in determining a school district's or school site's
2 eligibility for program assistance including competitive grants.

3 ~~C.~~ E. The board of education of each school district in this
4 state shall have the option of adopting a dress code for students
5 enrolled in the school district. The board of education of a school
6 district shall also have the option of adopting a dress code which
7 includes school uniforms.

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

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

12 2. Establish and maintain a central repository for the
13 collection and analysis of information regarding harassment,
14 intimidation or bullying; and

15 3. Publish a report annually on the current levels and nature
16 of harassment, intimidation or bullying in the public schools in the
17 state, the effectiveness of school policies implemented under the
18 School Safety and Bullying Prevention Act in combating harassment,
19 intimidation or bullying, and plans for appropriate actions to
20 address identified problems.

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

23 Section 24-100.5 A. Due to increased incidences and threats of
24 violence in the public schools and the growing concern among

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

1 prevention, readiness and response strategies, including the policy
2 required by Section 24-100.4 of this title.

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

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

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

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

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

20 In its considerations, the Safe School Committee shall review
21 the district policy for the prevention of bullying, harassment and
22 intimidation and the list of research-based programs appropriate for
23 the prevention of harassment, intimidation, and bullying of students
24 at school compiled by the State Department of Education. In

1 addition the Committee may review traditional and accepted
2 harassment, intimidation, and bullying prevention programs utilized
3 by other states, state agencies, or school districts.

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

5 1. Develop a model policy and training materials on the
6 components that should be included in a school district policy for
7 the prevention of harassment, intimidation and bullying; and

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

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

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

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

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