

# An Act

ENROLLED SENATE  
BILL NO. 1287

By: Smalley of the Senate

and

Baker of the House

An Act relating to schools; amending 70 O.S. 2011, Section 24-100a, which relates to the Healthy and Fit Kids Act of 2004; removing language allowing schools to combine certain committees; amending 70 O.S. 2011, Section 24-100.3, as amended by Section 2, Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2017, Section 24-100.3), which relates to the School Safety and Bullying Prevention Act; modifying certain definitions; amending 70 O.S. 2011, Section 24-100.5, as last amended by Section 2, Chapter 246, O.S.L. 2015 (70 O.S. Supp. 2017, Section 24-100.5), which relates to Safe School Committees; adding person to committee membership; requiring public school sites to publicize information about Safe School Committee; requiring Safe School Committees to meet with certain frequency; directing the State Board of Education to promulgate certain rules; providing an effective date; and declaring an emergency.

SUBJECT: Schools

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100a, is amended to read as follows:

Section 24-100a. A. This act shall be known and may be cited as the "Healthy and Fit Kids Act of 2004".

B. Beginning September 1, 2004, each public school shall establish a Healthy and Fit School Advisory Committee, to be composed of at least six members. The Advisory Committee may be composed of teachers, administrators, parents of students, health care professionals and business community representatives.

~~A public school may combine the Healthy and Fit School Advisory Committee with its Safe School Committee, established pursuant to Section 24-100.5 of this title.~~

C. Each Healthy and Fit School Advisory Committee shall study and make recommendations to the school principal regarding:

1. Health education;
2. Physical education and physical activity; and
3. Nutrition and health services.

D. The principal shall give consideration to recommendations of the committee.

E. The State Board of Education shall adopt rules for monitoring compliance with this section and is authorized to report a school as deficient on the accreditation report for noncompliance with the provisions of this section.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.3, as amended by Section 2, Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2017, Section 24-100.3), is amended to read as follows:

Section 24-100.3. A. As used in the School Safety and Bullying Prevention Act:

1. "Bullying" means any ~~pattern of harassment, intimidation, threatening behavior, physical acts, verbal or~~ unwanted, aggressive behavior committed in person or by electronic communication directed toward a student or group of students ~~that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student~~

that involves a real or perceived power imbalance and is repeated or is highly likely to be repeated. Bullying actions shall include but not be limited to making threats, spreading rumors, attacking someone physically or verbally and excluding someone from a group as a means of causing harm;

2. "Power imbalance" means the attempt by a perpetrator to use observed or perceived personal or situational characteristics to exert control over a targeted student's behavior or limit a victim's ability to respond or stop the aggression;

3. "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events;

~~3.~~ 4. "Electronic communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer; and

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

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

SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-100.5, as last amended by Section 2, Chapter 246, O.S.L. 2015 (70 O.S. Supp. 2017, Section 24-100.5), is amended to read as follows:

Section 24-100.5. A. Every year each public school site shall establish a Safe School Committee to be composed of at least seven (7) members. The Safe School Committee shall be composed of teachers, parents of enrolled students, students, ~~and~~ a school official who participates in the investigation of reports of bullying as required by subsection A of Section 24-100.4 of this title and a person not employed by the school district. The Committee may include administrators, school staff, school volunteers, community representatives, and local law enforcement agencies. The Committee shall assist the school board in promoting

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

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

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

2. Student bullying as defined in Section 24-100.3 of this title;

3. Professional development needs of faculty and staff to recognize and implement methods to decrease student bullying; and

4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams and resources that include counselors and other behavioral health and suicide prevention resources within or outside the school system.

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

C. The Safe School Committee may study and make recommendations to the school district board of education regarding the development of a rape or sexual assault response program that may be implemented at the school site.

D. Each public school site shall:

1. Publicize information about the Safe School Committee including, but not limited to, meeting dates and times; and

2. Require the Safe School Committee to meet at least once each semester.

E. The State Department of Education shall:

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

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

F. The State Board of Education shall adopt rules for monitoring compliance with this section and is authorized to report a school as deficient on the accreditation report for noncompliance with the provisions of this section.

~~E.~~ G. The provisions of this section shall not apply to technology center schools.

SECTION 4. This act shall become effective July 1, 2018.

SECTION 5. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 12th day of March, 2018.

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Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2018.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_