

1 ENGROSSED SENATE
2 BILL NO. 1133

By: Sharp of the Senate

3 and

4 Kerbs and Rosecrants of the
5 House

6
7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 24-100.3, as amended by Section 2, Chapter
9 311, O.S.L. 2013 (70 O.S. Supp. 2019, Section 24-
10 100.3), which relates to definitions under the School
11 Safety and Bullying Prevention Act; modifying
12 definitions; amending 70 O.S. 2011, Section 24-100.4,
13 as last amended by Section 1, Chapter 277, O.S.L.
14 2016 (70 O.S. Supp. 2019, Section 24-100.4), which
15 relates to the control and discipline of a child;
16 requiring certain policy to be updated annually;
17 modifying who can report incidents of bullying;
18 requiring anonymous reports to be investigated in
19 certain manner; providing immunity from a cause of
20 action for certain individuals making certain reports
21 of bullying; requiring notification of the parents or
22 legal guardians of certain students within certain
23 time period of receiving a report of bullying;
24 requiring immediate notification of the parents or
legal guardians of certain students who express
certain thoughts or intentions; requiring certain
policy to contain a statement prohibiting retaliation
against certain school employees; requiring a
district board of education to hold certain public
hearing prior to adoption of certain policy and any
modifications to certain policy; providing for notice
of hearing; requiring submission of certain policy to
the State Board of Education within certain time
period; requiring a superintendent to submit certain
report to a district board of education at least once
each semester; requiring a district board of
education to provide certain policy and explanation
to employees and newly hired employees; 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 24-100.3, as amended by Section 2, Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2019, 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:

a. 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, and

b. that involves a power imbalance and is repeated or is highly likely to be repeated.

Bullying actions shall include, but not be limited to, harassment, intimidation, threatening behavior, spreading rumors, attacking someone physically or verbally and excluding someone from a group as a means of causing harm;

1 2. ~~"At school"~~ "On school premises" means on school grounds, in
2 school vehicles, at school-sponsored activities, or at school-
3 sanctioned events;

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

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

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

15 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
16 last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp.
17 2019, Section 24-100.4), is amended to read as follows:

18 Section 24-100.4. A. Each district board of education shall
19 adopt a policy for the discipline of all children attending public
20 school in that district, and for the investigation of reported
21 incidents of bullying. The policy shall be updated annually and
22 shall provide options for the discipline of the students and shall
23 define standards of conduct to which students are expected to
24 conform. The policy shall:

1 1. Specifically address bullying by students ~~at school~~ on
2 school premises and by electronic communication, if the
3 communication is specifically directed at students or school
4 personnel and ~~concerns bullying at school~~ is communicated in such a
5 way as to disrupt or interfere with the school's educational mission
6 or the education of any student;

7 2. Contain a procedure for ~~reporting~~ a student, a school
8 employee, a school volunteer or a parent or legal guardian to report
9 an act of bullying to a school official or law enforcement agency,
10 including a provision that permits a person to report an act
11 anonymously. No formal disciplinary action shall be taken solely on
12 the basis of an anonymous report; provided, anonymous reports shall
13 be investigated in the same manner as other reports;

14 3. Contain a requirement that any school employee that has
15 reliable information that would lead a reasonable person to suspect
16 that a person is a target of bullying shall immediately report it to
17 the principal or a designee of the principal. A school employee,
18 school volunteer, student or the parent or legal guardian of a
19 student who promptly reports in good faith an incident of bullying
20 to a school official and who makes the report in compliance with the
21 provisions of this section shall be immune from a cause of action
22 for damages arising out of the reporting itself or any failure to
23 remedy the reported incident of bullying;

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, legal guardians, staff, volunteers and
5 students, 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 bullying make a determination regarding
17 whether the conduct is actually occurring;

18 6. Contain a procedure and requirement for providing
19 notification to the parents or legal guardians of the reported
20 victim of bullying and the parents or legal guardians of the
21 reported perpetrator of the bullying within twenty-four (24) hours
22 of receipt of the report of bullying and providing timely
23 notification to the parents or legal guardians of a victim of
24 documented and verified bullying and to the parents or legal

guardians of the perpetrator of the documented and verified bullying; provided, if a student expresses suicidal thoughts or intentions or encourages another student to commit suicide, the parents or legal guardians of the student(s) shall be notified immediately;

7. Identify by job title the school official responsible for enforcing the policy at each school site within a school district;

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

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

10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;

11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;

12. Address prevention by providing:

- a. consequences and remedial action for a person who commits an act of bullying,
- b. consequences and remedial action for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of 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 family members affected by bullying, as necessary;

13. Establish a procedure for:

- a. the investigation, determination and documentation of all incidents of bullying reported to school officials,
- b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
- c. reporting the number of incidents of bullying, and
- d. determining the severity of the incidents and their potential to result in future violence;

14. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse or other counseling options be provided to the student, if appropriate; ~~and~~

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

12 16. Contain a statement prohibiting retaliation against a
13 school employee who notifies the district board of education or the
14 State Department of Education of noncompliance with the provisions
15 of this section.

16 B. 1. In developing the policy, the district board of
17 education shall ~~make an effort to~~ involve the teachers, parents,
18 administrators, school staff, school volunteers, community
19 representatives, local law enforcement agencies and students.

20 2. Before adopting the policy required by this section or any
21 modifications to the policy, the district board of education shall
22 hold at least one public hearing on the proposed policy or
23 modifications to the policy. The public hearing may be held as part
24 of a regularly scheduled board meeting. The district board of

1 education shall provide notice of the public hearing to students and
2 the parents or legal guardians of students using social media and at
3 least one other communication method regularly used by the board of
4 education.

5 3. Within thirty (30) days of approving the policy required by
6 this section and any modifications, the district board of education
7 shall submit a copy to the State Department of Education.

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

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

21 D. Except concerning students on individualized education plans
22 (IEP) pursuant to the Individuals with Disabilities Education Act
23 (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 E. The board of education of each school district in this state
8 shall have the option of adopting a dress code for students enrolled
9 in the school district. The board of education of a school district
10 shall also have the option of adopting a dress code which includes
11 school uniforms.

12 F. The board of education of each school district in this state
13 shall have the option of adopting a procedure that requires students
14 to perform campus-site service for violating the district's policy.

15 G. At least once each semester, the superintendent of a school
16 district shall provide to the district board of education a report
17 on the district's bullying prevention activities and reported
18 incidents of bullying for the time period covered by the report.
19 The report shall be presented at a public meeting of the board of
20 education.

21 H. A district board of education shall provide the following to
22 each employee and to each newly hired employee:

23 1. The district's policy adopted pursuant to this section; and
24

1 2. An explanation of the employee's responsibilities with
2 regard to the implementation of the policy adopted pursuant to this
3 section.

4 I. The State Board of Education shall:

5 1. Promulgate rules for periodically monitoring school
6 districts for compliance with this section and providing sanctions
7 for noncompliance with this section;

8 2. Establish and maintain a central repository for the
9 collection of information regarding documented and verified
10 incidents of bullying; and

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

14 SECTION 3. This act shall become effective July 1, 2020.

15 SECTION 4. It being immediately necessary for the preservation
16 of the public peace, health or 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.

1 Passed the Senate the 10th day of March, 2020.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

7
8 _____
9 Presiding Officer of the House
10 of Representatives