

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1133, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Sharp

Sharp-EB-FS-Req#4010
3/5/2020 2:26 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 1133

By: Sharp of the Senate

and

Kerbs of the House

FLOOR SUBSTITUTE

[schools - School Safety and Bullying Prevention Act
- control and discipline of a child - report of
bullying - school employees - notice of hearing -
~~effective date -~~

~~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.

1 a. that results in or is reasonably perceived as being
2 done with the intent to cause negative educational or
3 physical results for the targeted individual or group
4 and is communicated in such a way as to disrupt or
5 interfere with the school's educational mission or the
6 education of any student, and

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

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

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

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

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

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

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
4 last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp.
5 2019, Section 24-100.4), is amended to read as follows:

6 Section 24-100.4. A. Each district board of education shall
7 adopt a policy for the discipline of all children attending public
8 school in that district, and for the investigation of reported
9 incidents of bullying. The policy shall be updated annually and
10 shall provide options for the discipline of the students and shall
11 define standards of conduct to which students are expected to
12 conform. The policy shall:

13 1. Specifically address bullying by students ~~at school~~ on
14 school premises and by electronic communication, if the
15 communication is specifically directed at students or school
16 personnel and ~~concerns bullying at school~~ is communicated in such a
17 way as to disrupt or interfere with the school's educational mission
18 or the education of any student;

19 2. Contain a procedure for ~~reporting~~ a student, a school
20 employee, a school volunteer or a parent or legal guardian to report
21 an act of bullying to a school official or law enforcement agency,
22 including a provision that permits a person to report an act
23 anonymously. No formal disciplinary action shall be taken solely on
24

1 the basis of an anonymous report; provided, anonymous reports shall
2 be investigated in the same manner as other reports;

3 3. Contain a requirement that any school employee that has
4 reliable information that would lead a reasonable person to suspect
5 that a person is a target of bullying shall immediately report it to
6 the principal or a designee of the principal. A school employee,
7 school volunteer, student or the parent or legal guardian of a
8 student who promptly reports in good faith an incident of bullying
9 to a school official and who makes the report in compliance with the
10 provisions of this section shall be immune from a cause of action
11 for damages arising out of the reporting itself or any failure to
12 remedy the reported incident of bullying;

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

- 15 a. an annual written notice of the policy be provided to
16 parents, legal guardians, staff, volunteers and
17 students, with age-appropriate language for students,
- 18 b. notice of the policy be posted at various locations
19 within each school site, including but not limited to
20 cafeterias, school bulletin boards, and administration
21 offices,
- 22 c. the policy be posted on the Internet website for the
23 school district and each school site that has an
24 Internet website, and

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

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

6. Contain a procedure and requirement for providing notification to the parents or legal guardians of the reported victim of bullying and the parents or legal guardians of the reported perpetrator of the bullying within twenty-four (24) hours of receipt of the report of bullying and providing timely notification to the parents or legal guardians of a victim of 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;

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

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

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

13 12. Address prevention by providing:

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

24 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~~

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

1 16. Contain a statement prohibiting retaliation against a
2 school employee who notifies the district board of education or the
3 State Department of Education of noncompliance with the provisions
4 of this section.

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

9 2. Before adopting the policy required by this section or any
10 modifications to the policy, the district board of education shall
11 hold at least one public hearing on the proposed policy or
12 modifications to the policy. The public hearing may be held as part
13 of a regularly scheduled board meeting. The district board of
14 education shall provide notice of the public hearing to students and
15 the parents or legal guardians of students using social media and at
16 least one other communication method regularly used by the board of
17 education.

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

21 4. The students, teachers, and parents or ~~guardian~~ legal
22 guardians of every child residing within a school district shall be
23 notified by the district board of education of its adoption of the
24 policy and shall receive a copy upon request. The school district

1 policy shall be implemented in a manner that is ongoing throughout
2 the school year and is integrated with other violence prevention
3 efforts.

4 C. The teacher of a child attending a public school shall have
5 the same right as a parent or legal guardian to control and
6 discipline such child according to district policies during the time
7 the child is in attendance or in transit to or from the school or
8 any other school function authorized by the school district or
9 classroom presided over by the teacher.

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

20 E. The board of education of each school district in this state
21 shall have the option of adopting a dress code for students enrolled
22 in the school district. The board of education of a school district
23 shall also have the option of adopting a dress code which includes
24 school uniforms.

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

4 G. At least once each semester, the superintendent of a school
5 district shall provide to the district board of education a report
6 on the district's bullying prevention activities and reported
7 incidents of bullying for the time period covered by the report.
8 The report shall be presented at a public meeting of the board of
9 education.

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

12 1. The district's policy adopted pursuant to this section; and
13 2. An explanation of the employee's responsibilities with
14 regard to the implementation of the policy adopted pursuant to this
15 section.

16 I. The State Board of Education shall:

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

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

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 3. This act shall become effective July 1, 2020.~~

5 ~~SECTION 4. It being immediately necessary for the preservation~~
6 ~~of the public peace, health or safety, an emergency is hereby~~
7 ~~declared to exist, by reason whereof this act shall take effect and~~
8 ~~be in full force from and after its passage and approval.~~

9
10 57-2-4010 EB 3/5/2020 2:26:47 PM