

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1133

By: Sharp

AS INTRODUCED

An Act relating to schools; amending 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), which relates to definitions under the School Safety and Bullying Prevention Act; adding definition; modifying definitions; amending 70 O.S. 2011, Section 24-100.4, as last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp. 2019, Section 24-100.4), which relates to the control and discipline of a child; requiring certain policy to be updated annually; modifying who can report incidents of bullying; providing immunity from a cause of action for certain individuals making certain reports of bullying; requiring certain investigation to be completed within certain time period; requiring notification of the parents or legal guardians of certain students within certain time period of receiving a report of bullying; requiring certain policy to contain a requirement for notifying the parents or legal guardians of a student who appears in distress; 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; requiring a superintendent to submit certain report to a district board of education at least annually; requiring a district board of education to provide certain policy and explanation to employees and newly hired employees; requiring the State Board of Education to submit certain report to certain committee chairs; providing an effective date; and declaring an emergency.

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

4 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.3, as
5 amended by Section 2, Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2019,
6 Section 24-100.3), is amended to read as follows:

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

9 1. "Bullying" means any pattern of harassment, intimidation,
10 threatening behavior, physical acts, verbal or electronic
11 communication directed toward a student or group of students that
12 occurs on or off school premises that results in or is reasonably
13 perceived as being done with the intent to cause negative
14 educational or physical results for the targeted individual or group
15 and is communicated in such a way as to disrupt or interfere with
16 the school's educational mission or the education of any student;

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

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

1 4. "In distress" means the student shows signs including but
2 not limited to changes in behavior, anxiety, sleep problems, acting
3 out and problems with academic work; and

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

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

10 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
11 last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp.
12 2019, Section 24-100.4), is amended to read as follows:

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

20 1. Specifically address bullying by students ~~at school~~ on
21 school premises and by electronic communication, if the
22 communication is specifically directed at students or school
23 personnel and concerns bullying ~~at school~~ on or off school premises;
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1 2. Contain a procedure for ~~reporting~~ a student, a teacher or a
2 parent or legal guardian to report an act of bullying to a school
3 official or law enforcement agency, including a provision that
4 permits a person to report an act anonymously. No formal
5 disciplinary action shall be taken solely on the basis of an
6 anonymous report;

7 3. Contain a requirement that any school employee that has
8 reliable information that would lead a reasonable person to suspect
9 that a person is a target of bullying shall immediately report it to
10 the principal or a designee of the principal. A school employee,
11 school volunteer, student or the parent or legal guardian of a
12 student who promptly reports in good faith an incident of bullying
13 to a school official and who makes the report in compliance with the
14 provisions of this section shall be immune from a cause of action
15 for damages arising out of the reporting itself or any failure to
16 remedy the reported incident of bullying; provided, however, that
17 immunity does not apply to a school official who is designated in
18 accordance with paragraph 7 of this subsection or a school official
19 who is designated to investigate incidents of bullying in accordance
20 with paragraph 13 of this subsection;

21 4. Contain a statement of how the policy is to be publicized
22 including a requirement that:
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- a. an annual written notice of the policy be provided to parents, legal guardians, staff, volunteers and students, with age-appropriate language for students,
- b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,
- c. the policy be posted on the Internet website for the school district and each school site that has an 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. An investigation shall be completed within seventy-two (72) hours of receipt of the report of bullying;

6. Contain a procedure 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

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

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

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 and in consultation
15 with the Office of Juvenile Affairs for students and parents in
16 preventing, identifying, responding to and reporting incidents of
17 bullying;

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

21 12. Address prevention by providing:

- 22 a. consequences and remedial action for a person who
23 commits an act of bullying,
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- 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~~

15. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received

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

10 16. Contain a requirement that a school official immediately
11 contact the parents or legal guardians of a student who appears in
12 distress at school and that a school official immediately contact
13 the parents or legal guardians of a student when the school official
14 receives notice from another school employee or another student that
15 the student appears in distress; and

16 17. Contain a statement prohibiting retaliation against a
17 school employee who notifies the district board of education or the
18 State Department of Education of noncompliance with the provisions
19 of this section.

20 B. 1. In developing the policy, the district board of
21 education shall ~~make an effort to~~ involve the teachers, parents,
22 administrators, school staff, school volunteers, community
23 representatives, local law enforcement agencies and students.
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1 2. Before adopting the policy required by this section or any
2 modifications to the policy, the district board of education shall
3 hold at least one public hearing on the proposed policy or
4 modifications to the policy. The public hearing may be held as part
5 of a regularly scheduled board meeting. The district board of
6 education shall provide notice of the public hearing to students and
7 the parents or legal guardians of students using social media and at
8 least one other communication method regularly used by the board of
9 education.

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

13 4. The students, teachers,7 and parents or ~~guardian~~ legal
14 guardians of every child residing within a school district shall be
15 notified by the district board of education of its adoption of the
16 policy and shall receive a copy upon request. 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 legal guardian to control and
22 discipline such child according to district policies during the time
23 the child is in attendance or in transit to or from the school or
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1 any other school function authorized by the school district or
2 classroom presided over by the teacher.

3 D. Except concerning students on individualized education plans
4 (IEP) pursuant to the Individuals with Disabilities Education Act
5 (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 E. The board of education of each school district in this state
14 shall have the option of adopting a dress code for students enrolled
15 in the school district. The board of education of a school district
16 shall also have the option of adopting a dress code which includes
17 school uniforms.

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

21 G. At least annually, the superintendent of a school district
22 shall provide to the district board of education a report on the
23 district's bullying prevention activities. The report shall be
24 presented at a public meeting of the board of education.

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

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

4 2. An explanation of the employee's responsibilities with
5 regard to the implementation of the policy adopted pursuant to this
6 section.

7 I. The State Board of Education shall:

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

11 2. Establish and maintain a central repository for the
12 collection of information regarding documented and verified
13 incidents of bullying; ~~and~~

14 3. Submit a report annually to the education committee chairs
15 of both houses of the Oklahoma Legislature containing the number of
16 documented and verified incidents of bullying in the public schools
17 in the state; and

18 4. Publish a report annually on the State Department of
19 Education website regarding the number of documented and verified
20 incidents of bullying in the public schools in the state.

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

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