

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1657

By: Brewer

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6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 24-100.4, as last amended by Section 1,
9 Chapter 277, O.S.L. 2016 (70 O.S. Supp. 2020, Section
10 24-100.4), which relates to the School Safety and
11 Bullying Prevention Act; requiring school dress code
12 to have reasonable connection to educational
13 function; prohibiting race discrimination based on
14 natural hair, hairstyles or headwear; defining terms;
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
18 last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp.
19 2020, Section 24-100.4), is amended to read as follows:

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

1 1. Specifically address bullying by students at school and by
2 electronic communication, if the communication is specifically
3 directed at students or school personnel and concerns bullying at
4 school;

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

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

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

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

19 b. notice of the policy be posted at various locations
20 within each school site, including but not limited to
21 cafeterias, school bulletin boards, and administration
22 offices,

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

9 6. Contain a procedure for providing timely notification to the
10 parents or guardians of a victim of documented and verified bullying
11 and to the parents or guardians of the perpetrator of the documented
12 and verified bullying;

13 7. Identify by job title the school official responsible for
14 enforcing the policy;

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

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

23 10. Provide for an educational program as designed and
24 developed by the State Department of Education and in consultation

1 with the Office of Juvenile Affairs for students and parents in
2 preventing, identifying, responding to and reporting incidents of
3 bullying;

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

7 12. Address prevention by providing:

8 a. consequences and remedial action for a person who
9 commits an act of bullying,

10 b. consequences and remedial action for a student found
11 to have falsely accused another as a means of
12 retaliation, reprisal or as a means of bullying, and

13 c. a strategy for providing counseling or referral to
14 appropriate services, including guidance, academic
15 intervention, and other protection for students, both
16 targets and perpetrators, and family members affected
17 by bullying, as necessary;

18 13. Establish a procedure for:

19 a. the investigation, determination and documentation of
20 all incidents of bullying reported to school
21 officials,

22 b. identifying the principal or a designee of the
23 principal as the person responsible for investigating
24 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, 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, or any other state or federal laws regarding the disclosure of confidential information.

B. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of

1 education of its adoption of the policy and shall receive a copy
2 upon request. The school district policy shall be implemented in a
3 manner that is ongoing throughout the school year and is integrated
4 with other violence prevention efforts.

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

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

21 E. 1. The board of education of each school district in this
22 state shall have the option of adopting a dress code for students
23 enrolled in the school district. The board of education of a school
24 district shall also have the option of adopting a dress code which

1 includes school uniforms. Any board of education which adopts a
2 dress code for students shall ensure the dress code has a reasonable
3 connection with the educational function entrusted to the school
4 board. The dress code shall prohibit race discrimination based on
5 natural hair or hairstyles. The dress code shall not discriminate
6 against a student's hair color; hair length; headwear, including but
7 not limited to headwraps, durags or scarves; religious headwear,
8 including but not limited to hijabs or niqabs; or any other
9 hairstyle or headwear that is directly tied to the cultural, ethnic
10 or religious identity of a student.

11 2. As used in this subsection:

12 a. "race" includes, but is not limited to, ancestry,
13 color, ethnic group identification and ethnic
14 background, including traits historically associated
15 with race including but not limited to hair texture
16 and protective hairstyles, and

17 b. "protective hairstyles" includes, but is not limited
18 to, braids, locks and twists.

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

22 G. The State Board of Education shall:
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1 1. Promulgate rules for periodically monitoring school
2 districts for compliance with this section and providing sanctions
3 for noncompliance with this section;

4 2. Establish and maintain a central repository for the
5 collection of information regarding documented and verified
6 incidents of bullying; and

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

10 SECTION 2. This act shall become effective November 1, 2021.

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