

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1778

By: Conley

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 24-100a, which relates to the Healthy and Fit
9 Kids Act of 2004; removing authority to combine
10 certain school committees; amending 70 O.S. 2011,
11 Sections 24-100.3, as amended by Section 2, Chapter
12 311, O.S.L. 2013, 24-100.4, as last amended by
13 Section 1, Chapter 277, O.S.L. 2016 and 24-100.5, as
14 last amended by Section 1, Chapter 285, O.S.L. 2019
15 (70 O.S. Supp. 2020, Sections 24-100.3, 24-100.4 and
16 24-100.5), which relate to the School Safety and
17 Bullying Prevention Act; modifying definitions;
18 requiring annual update of school discipline and
19 bullying policy; modifying contents of policy;
20 prescribing same manner of investigation for
21 anonymous reports; establishing civil immunity for
22 certain reports; setting time limitation for parental
23 notification; providing exception to time limit;
24 requiring annual training on bullying for school
resource officers; prohibiting retaliation against
certain school employee; directing board of education
to hold public hearing prior to adopting or modifying
policy; establishing meeting procedures and
requirements; requiring dissemination of policy and
explanation of responsibilities to school employees;
modifying membership of the Safe School Committee;
requiring school to publicize meeting dates and
times; prescribing at least one meeting be held each
semester; directing State Board of Education to adopt
rules; authorizing report of a deficiency for
noncompliance in a school accreditation report;
providing an effective date; and declaring an
emergency.

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

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

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

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

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

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

- 16 1. Health education;
17 2. Physical education and physical activity; and
18 3. Nutrition and health services.

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

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

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.3, as
2 amended by Section 2, Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2020,
3 Section 24-100.3), is amended to read as follows:

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

6 1. "Aggressive behavior" means the intentional use of harmful
7 behavior, threatened or actual, toward another student. Instead of
8 attempting to assess whether the perpetrator intended for the
9 targeted student to experience an injury as a result of the bullying
10 behavior, intentionality can be captured by assessing the intent of
11 the perpetrator to use harmful behaviors against the targeted
12 student. For example, telling damaging rumors about a student,
13 threatening another student, or shoving another student shall be
14 considered intentional because the perpetrator is using harmful
15 behaviors against another student;

16 2. "Bullying" means any pattern of harassment, intimidation,
17 threatening behavior, physical acts, verbal unwanted aggressive
18 behavior, in person or by electronic communication, directed toward
19 another student by a student or group of students that results in or
20 is reasonably who are not siblings or current dating partners that
21 involves an observed or perceived as being done with the intent to
22 cause negative educational or physical results for the targeted
23 individual or group and is communicated in such a way as to disrupt
24 or interfere with the school's educational mission or the education

1 ~~of any student power imbalance and is repeated multiple times or is~~
2 ~~highly likely to be repeated. Bullying may inflict harm or distress~~
3 ~~on the targeted student, including physical, psychological, social~~
4 ~~or educational harm;~~

5 ~~2. "At school" means on school grounds, in school vehicles, at~~
6 ~~school-sponsored activities, or at school-sanctioned events;~~

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

12 ~~4. "Threatening behavior" means any pattern of behavior or~~
13 ~~isolated action, whether or not it is directed at another person,~~
14 ~~that a reasonable person would believe indicates potential for~~
15 ~~future harm to students, school personnel, or school property "Harm"~~
16 ~~means a range of negative experiences or injuries and can include:~~

- 17 ~~a. physical cuts, bruises or pain,~~
18 ~~b. psychological consequences such as feelings of~~
19 ~~distress, depression or anxiety,~~
20 ~~c. social damage to reputation or relationships, or~~
21 ~~d. limits to educational opportunities through increased~~
22 ~~absenteeism, dropping out of school, having difficulty~~
23 ~~concentrating in class and poor academic performance;~~

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1 5. "Has occurred multiple times or is highly likely to be
2 repeated" means that the student experiences multiple incidents of
3 aggressive behavior perpetrated by a single student or group of
4 students over a specified time period or there is strong concern a
5 single aggressive behavior by a student or group of students has a
6 high likelihood of being followed by more incidents of aggressive
7 behavior. Repeated aggressive behavior that involves different
8 perpetrators and is perceived as unrelated by the student should not
9 be considered repeated. However, if the student experiences
10 multiple separate incidents of aggressive behavior over time, it
11 shall be considered repeated if the targeted student perceives the
12 aggressive behavior as related even if the perpetrator or
13 perpetrators change across the incidents and no single perpetrator
14 is involved in multiple incidents;

15 6. "On school premises" means on school grounds, in school
16 vehicles, at school-sponsored activities or at school-sanctioned
17 events;

18 7. "Power imbalance" means the attempt by the perpetrator or
19 perpetrators to use observed or perceived personal or situational
20 characteristics to exert control over the behavior of the targeted
21 student or limit the ability of the targeted student to respond or
22 stop the aggressive behavior. The power imbalance shall not be used
23 to label certain students "powerless" or "powerful", but instead is
24 designed to capture power differences that exist in a certain

1 relationship at a specific time. Power imbalances may change over
2 time and across situations even when they involve the same students.
3 The use of violence or threats of violence may create or enhance an
4 existing power imbalance; and

5 8. "Unwanted" means that the targeted student wants the
6 aggressive behavior by the perpetrator or perpetrators to stop. For
7 example, two students may enjoy taunting or teasing each other in a
8 playful manner and this shall not be considered unwanted aggressive
9 behavior or bullying.

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

12 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
13 last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp.
14 2020, Section 24-100.4), is amended to read as follows:

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

22 1. Specifically address bullying by students ~~at~~ on school
23 premises and by electronic communication, if the communication is
24 specifically directed at students or school personnel and ~~concerns~~

1 ~~bullying at school~~ is communicated in such a way as to disrupt or
2 interfere with the educational mission of the school or the
3 education of any student;

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

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. A school employee,
14 school volunteer, student or the parent or legal guardian of a
15 student who promptly reports in good faith an incident of bullying
16 to a school official and who makes the report in compliance with the
17 provisions of this section shall be immune from a cause of action
18 for damages arising out of the reporting itself or any failure to
19 remedy the reported incident of bullying;

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

22 a. an annual written notice of the policy be provided to
23 parents, legal guardians, staff, volunteers and
24 students, with age-appropriate language for students,

1 b. notice of the policy be posted at various locations
2 within each school site, including, but not limited
3 to, cafeterias, school bulletin boards, and
4 administration offices,

5 c. the policy be posted on the Internet website for the
6 school district and each school site that has an
7 Internet website, and

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

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

13 6. Contain a procedure and requirement for providing
14 notification to the parents or legal guardians of the reported
15 target of bullying and the parents or legal guardians of the
16 reported perpetrator or perpetrators of the bullying within twenty-
17 four (24) hours of receipt of the report of bullying and providing
18 timely notification to the parents or legal guardians of a ~~victim~~
19 student who is target of documented and verified bullying and to the
20 parents or legal guardians of the perpetrator of the documented and
21 verified bullying; provided, if a student expresses suicidal
22 thoughts or intentions or encourages another student to commit
23 suicide, the parents or legal guardians of the students shall be
24 notified immediately;

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

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

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

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

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

19 12. Address prevention by providing:

20 a. consequences and remedial action for a person who
21 commits an act of bullying,

22 b. consequences and remedial action for a student found
23 to have falsely accused another as a means of
24 retaliation, reprisal or as a means of bullying, and

1 c. a strategy for providing counseling or referral to
2 appropriate services, including guidance, academic
3 intervention, and other protection for students, both
4 targets and perpetrators, and family members affected
5 by bullying, as necessary;

6 13. Establish a procedure for:

7 a. the investigation, determination and documentation of
8 all incidents of bullying reported to school
9 officials,

10 b. identifying the principal or a designee of the
11 principal as the person responsible for investigating
12 incidents of bullying,

13 c. reporting the number of incidents of bullying, and

14 d. determining the severity of the incidents and their
15 potential to result in future violence;

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

20 15. Establish a procedure whereby a school may request the
21 disclosure of any information concerning students who have received
22 mental health, substance abuse, or other care pursuant to paragraph
23 14 of this subsection that indicates an explicit threat to the
24 safety of students or school personnel, provided the disclosure of

1 the information does not violate the requirements and provisions of
2 the Family Educational Rights and Privacy Act of 1974, the Health
3 Insurance Portability and Accountability Act of 1996, Section 2503
4 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
5 the Oklahoma Statutes, or any other state or federal laws regarding
6 the disclosure of confidential information; and

7 16. Contain a statement prohibiting retaliation against a
8 school employee who notifies the board of education or the State
9 Department of Education of noncompliance with the provisions of this
10 section.

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

15 2. Before adopting the policy or any modifications to the
16 policy, the board of education shall hold at least one public
17 hearing on the proposed policy or modifications to the policy. The
18 public hearing may be held as part of a regularly scheduled board
19 meeting. The board of education shall provide notice of the public
20 hearing to students and parents or legal guardians of students using
21 social media and at least one other communication method regularly
22 used by the board of education.

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1 3. Within thirty (30) days of approving the policy or any
2 modifications to the policy, the board of education shall submit a
3 copy to the State Department of Education.

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

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

17 D. Except concerning students on individualized education plans
18 ~~(IEP)~~ (IEPs) pursuant to the Individuals with Disabilities Education
19 Act (IDEA), P.L. No. 101-476, the State Board of Education shall not
20 have authority to prescribe student disciplinary policies for school
21 districts or to proscribe corporal punishment in the public schools.
22 The State Board of Education shall not have authority to require
23 school districts to file student disciplinary action reports more
24 often than once each year and shall not use disciplinary action

1 reports in determining a school district's or school site's
2 eligibility for program assistance including competitive grants.

3 E. The board of education of each school district in this state
4 shall have the option of adopting a dress code for students enrolled
5 in the school district. The board of education of a school district
6 shall also have the option of adopting a dress code which includes
7 school uniforms.

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

11 G. The board of education shall provide the following to each
12 current employee and newly hired employee:

13 1. The school district policy adopted pursuant to this section;
14 and

15 2. An explanation of the responsibilities of the employee
16 related to the implementation of the policy adopted pursuant to this
17 section.

18 H. The State Board of Education shall:

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

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

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 4. AMENDATORY 70 O.S. 2011, Section 24-100.5, as
5 last amended by Section 1, Chapter 285, O.S.L. 2019 (70 O.S. Supp.
6 2020, Section 24-100.5), is amended to read as follows:

7 Section 24-100.5 A. Every year each public school site shall
8 establish a Safe School Committee to be composed of at least seven
9 ~~(7)~~ members. The Safe School Committee shall be composed of
10 teachers, parents or legal guardians of enrolled students, students,
11 ~~and~~ a school official who participates in the investigation of
12 reports of bullying as required by subsection A of Section 24-100.4
13 of this title, and a person not employed by the school district.

14 The Committee may include administrators, school staff, school
15 volunteers, community representatives, and local law enforcement
16 agencies. The Committee shall assist the school board in promoting
17 a positive school climate through planning, implementing and
18 evaluating effective prevention, readiness and response strategies,
19 including the policy required by Section 24-100.4 of this title.

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

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

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

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

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

13 5. Professional development needs of faculty and staff to
14 recognize and report suspected human trafficking.

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

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

3 D. Each public school site shall:

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

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

8 E. The State Department of Education shall:

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

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

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

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

24 SECTION 5. This act shall become effective July 1, 2021.

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

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