

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1142

By: Standridge

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5
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. 2019, Section
10 24-100.4), which relates to the School Safety and
11 Bullying Prevention Act; requiring school district
12 boards of education to establish a procedure for
13 initiating certain investigation within one day of
14 receiving certain report; requiring establishment of
15 a procedure for notifying certain parents and legal
16 guardians; requiring notification to include certain
17 statement; providing an effective date; and declaring
18 an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
21 last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp.
22 2019, Section 24-100.4), is amended to read as follows:

23 Section 24-100.4. A. Each district board of education shall
24 adopt a policy for the discipline of all children attending public
25 school in that district, and for the investigation of reported
26 incidents of bullying. The policy shall provide options for the
27 discipline of the students and shall define standards of conduct to
28 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,

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,

- 1 c. the principal or a designee to initiate an
2 investigation not later than one (1) day after
3 receiving a report of bullying,
- 4 d. the principal or a designee to notify the parent or
5 legal guardian of each student involved in a report of
6 bullying. The notification shall include a statement
7 that the principal or a designee will be conducting an
8 investigation of the report of bullying and that the
9 parent or legal guardian may discuss with the
10 principal or a designee any counseling and
11 intervention services that may be available to the
12 student,
- 13 e. reporting the number of incidents of bullying, and
14 ~~d.~~
- 15 f. determining the severity of the incidents and their
16 potential to result in future violence;

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

21 15. Establish a procedure whereby a school may request the
22 disclosure of any information concerning students who have received
23 mental health, substance abuse, or other care pursuant to paragraph
24 14 of this subsection that indicates an explicit threat to the
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1 safety of students or school personnel, provided the disclosure of
2 the information does not violate the requirements and provisions of
3 the Family Educational Rights and Privacy Act of 1974, the Health
4 Insurance Portability and Accountability Act of 1996, Section 2503
5 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
6 the Oklahoma Statutes, or any other state or federal laws regarding
7 the disclosure of confidential information.

8 B. In developing the policy, the district board of education
9 shall make an effort to involve the teachers, parents,
10 administrators, school staff, school volunteers, community
11 representatives, local law enforcement agencies and students. The
12 students, teachers, and parents or guardian of every child residing
13 within a school district shall be notified by the district board of
14 education of its adoption of the policy and shall receive a copy
15 upon request. The school district policy shall be implemented in a
16 manner that is ongoing throughout the school year and is integrated
17 with other violence prevention efforts.

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

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

11 E. The board of education of each school district in this state
12 shall have the option of adopting a dress code for students enrolled
13 in the school district. The board of education of a school district
14 shall also have the option of adopting a dress code which includes
15 school uniforms.

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

19 G. The State Board of Education shall:

20 1. Promulgate rules for periodically monitoring school
21 districts for compliance with this section and providing sanctions
22 for noncompliance with this section;
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1 2. Establish and maintain a central repository for the
2 collection of information regarding documented and verified
3 incidents of bullying; and

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

7 SECTION 2. This act shall become effective July 1, 2020.

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

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