

# An Act

ENROLLED SENATE  
BILL NO. 222

By: Standridge of the Senate

and

Pae, Rosecrants, Echols and  
Lepak of the House

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. 2020, Section 24-100.3), which relates to definitions under the School Safety and Bullying Prevention Act; 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. 2020, 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; requiring anonymous reports to be investigated in certain manner; providing immunity from a cause of action for certain individuals making certain reports of bullying; requiring notification of the parents or legal guardians of certain students within certain time period of receiving a report of bullying; requiring immediate notification of the parents or legal guardians of certain students who express certain thoughts or intentions; 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 within certain time period; requiring a superintendent to submit certain report to a district board of education at least once each semester; and requiring a district board of

education to provide certain policy and explanation to employees and newly hired employees.

SUBJECT: Discipline in schools

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. 2020, 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:

- a. that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student, and
- b. that is repeated or is highly likely to be repeated.

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

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

3. "Electronic communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a

mobile or cellular telephone or other wireless telecommunication device~~7~~ or a computer; and

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

B. Nothing in ~~this act~~ Section 24-100.1 et seq. of this title shall be construed to impose a specific liability on any school district.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.4, as last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp. 2020, Section 24-100.4), is amended to read as follows:

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

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

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

3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to

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

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

- 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;

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;

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

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

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

12. Address prevention by providing:

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

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

B. 1. 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.

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

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

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

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

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

E. The board of education of each school district in this state shall have the option of adopting a dress code for students enrolled

in the school district. The board of education of a school district shall also have the option of adopting a dress code which includes school uniforms.

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

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

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

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

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

I. The State Board of Education shall:

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

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

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



Passed the Senate the 4th day of May, 2021.

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Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2021.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_