

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 739

By: Smalley

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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 language allowing schools
10 to combine certain committees; amending 70 O.S. 2011,
11 Section 24-100.3, as amended by Section 2, Chapter
12 311, O.S.L. 2013 (70 O.S. Supp. 2018, Section 24-
13 100.3), which relates to the School Safety and
14 Bullying Prevention Act; modifying certain
15 definitions; updating statutory reference; amending
16 70 O.S. 2011, Section 24-100.5, as last amended by
17 Section 2, Chapter 246, O.S.L. 2015 (70 O.S. Supp.
18 2018, Section 24-100.5), which relates to Safe School
19 Committees; adding person to committee membership;
20 requiring public school sites to publicize
21 information about Safe School Committee; requiring
22 Safe School Committees to meet with certain
23 frequency; directing the State Board of Education to
24 promulgate certain rules; providing an effective
25 date; and declaring an emergency.

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

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

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

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

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

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

- 11 1. Health education;
- 12 2. Physical education and physical activity; and
- 13 3. Nutrition and health services.

14 D. The principal shall give consideration to recommendations of
15 the committee.

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

20 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.3, as
21 amended by Section 2, Chapter 311, O.S.L. 2013 (70 O.S. Supp. 2018,
22 Section 24-100.3), is amended to read as follows:

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

1 1. "Bullying" means any ~~pattern of harassment, intimidation,~~
2 ~~threatening behavior, physical acts, verbal or~~ unwanted, aggressive
3 behavior committed in person or by electronic communication directed
4 toward a student or group of students:

5 a. that results in or is reasonably perceived as being
6 done with the intent to cause negative educational or
7 physical results for the targeted individual or group
8 and is communicated in such a way as to disrupt or
9 interfere with the school's educational mission or the
10 education of any student, and

11 b. that involves a real or perceived power imbalance and
12 is repeated or is highly likely to be repeated.

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

17 2. "Power imbalance" means the attempt by a perpetrator to use
18 observed or perceived personal or situational characteristics to
19 exert control over a targeted student's behavior or limit a victim's
20 ability to respond or stop the aggression;

21 3. "at school" means on school grounds, in school vehicles, at
22 school-sponsored activities, or at school-sanctioned events;

23 ~~3.~~ 4. "Electronic communication" means the communication of any
24 written, verbal, pictorial information or video content by means of

1 an electronic device, including, but not limited to, a telephone, a
2 mobile or cellular telephone or other wireless telecommunication
3 device, or a computer; and

4 ~~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~~ Section 24-100.1 et seq. of this title
9 shall be construed to impose a specific liability on any school
10 district.

11 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-100.5, as
12 last amended by Section 2, Chapter 246, O.S.L. 2015 (70 O.S. Supp.
13 2018, Section 24-100.5), is amended to read as follows:

14 Section 24-100.5. A. Every year each public school site shall
15 establish a Safe School Committee to be composed of at least seven
16 (7) members. The Safe School Committee shall be composed of
17 teachers, parents of enrolled students, students, ~~and~~ a school
18 official who participates in the investigation of reports of
19 bullying as required by subsection A of Section 24-100.4 of this
20 title and a person not employed by the school district. The
21 Committee may include administrators, school staff, school
22 volunteers, community representatives, and local law enforcement
23 agencies. The Committee shall assist the school board in promoting
24 a positive school climate through planning, implementing and

1 evaluating effective prevention, readiness and response strategies,
2 including the policy required by Section 24-100.4 of this title.

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

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

9 2. Student bullying as defined in Section 24-100.3 of this
10 title;

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

13 4. Methods to encourage the involvement of the community and
14 students, the development of individual relationships between
15 students and school staff, and use of problem-solving teams and
16 resources that include counselors and other behavioral health and
17 suicide prevention resources within or outside the school system.

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

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

5 D. Each public school site shall:

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

8 2. Require the Safe School Committee to meet at least once each
9 semester.

10 E. The State Department of Education shall:

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

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

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

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

3 SECTION 4. This act shall become effective July 1, 2019.

4 SECTION 5. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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