

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 739

By: Smalley of the Senate

and

Baker and Pae of the House

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11 COMMITTEE SUBSTITUTE

12 An Act relating to schools; amending 70 O.S. 2011,
13 Section 24-100a, which relates to the Healthy and Fit
14 Kids Act of 2004; removing authorization for schools
15 to combine certain committees; amending 70 O.S. 2011,
16 Section 24-100.3, as amended by Section 2, Chapter
17 311, O.S.L. 2013 (70 O.S. Supp. 2018, Section 24-
18 100.3), which relates to the School Safety and
19 Bullying Prevention Act; modifying certain
20 definitions; updating statutory reference; amending
21 70 O.S. 2011, Section 24-100.5, as last amended by
22 Section 2, Chapter 246, O.S.L. 2015 (70 O.S. Supp.
23 2018, Section 24-100.5), which relates to Safe School
24 Committees; adding person to committee membership;
 requiring public school sites to publicize
 information about Safe School Committee; requiring
 Safe School Committees to meet with certain
 frequency; directing the State Board of Education to
 promulgate certain rules; providing an effective
 date; and declaring an emergency.

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

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

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

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

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

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

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

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

20 E. 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.

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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. 2018,
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. "Bullying" means any ~~pattern of harassment, intimidation,~~
7 ~~threatening behavior, physical acts, verbal or~~ unwanted, aggressive
8 behavior committed in person or by electronic communication directed
9 toward a student or group of students:

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

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

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

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

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

5 ~~3.~~ 4. "Electronic communication" means the communication of any
6 written, verbal, pictorial information or video content by means of
7 an electronic device, including, but not limited to, a telephone, a
8 mobile or cellular telephone or other wireless telecommunication
9 device, or a computer; and

10 ~~4.~~ 5. "Threatening behavior" means any pattern of behavior or
11 isolated action, whether or not it is directed at another person,
12 that a reasonable person would believe indicates potential for
13 future harm to students, school personnel, or school property.

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

17 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-100.5, as
18 last amended by Section 2, Chapter 246, O.S.L. 2015 (70 O.S. Supp.
19 2018, Section 24-100.5), is amended to read as follows:

20 Section 24-100.5. A. Every year each public school site shall
21 establish a Safe School Committee to be composed of at least seven
22 (7) members. The Safe School Committee shall be composed of
23 teachers, parents of enrolled students, students, ~~and~~ a school
24 official who participates in the investigation of reports of

1 bullying as required by subsection A of Section 24-100.4 of this
2 title and a person not employed by the school district. The
3 Committee may include administrators, school staff, school
4 volunteers, community representatives, and local law enforcement
5 agencies. The Committee shall assist the school board in promoting
6 a positive school climate through planning, implementing and
7 evaluating effective prevention, readiness and response strategies,
8 including the policy required by Section 24-100.4 of this title.

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

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

15 2. Student bullying as defined in Section 24-100.3 of this
16 title;

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

19 4. Methods to encourage the involvement of the community and
20 students, the development of individual relationships between
21 students and school staff, and use of problem-solving teams and
22 resources that include counselors and other behavioral health and
23 suicide prevention resources within or outside the school system.

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1 In its considerations, the Safe School Committee shall review
2 the district policy for the prevention of bullying and the list of
3 research-based programs appropriate for the prevention of bullying
4 of students at school compiled by the State Department of Education.
5 In addition, the Committee may review traditional and accepted
6 bullying prevention programs utilized by other states, state
7 agencies, or school districts.

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

12 D. Each public school site shall:

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

15 2. Require the Safe School Committee to meet at least once each
16 semester.

17 E. The State Department of Education shall:

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

21 2. Compile and distribute to each public school site,
22 prominently display on the State Department of Education website and
23 annually publicize in print media a list of research-based programs
24 appropriate for the prevention of bullying of students. If a school

1 district implements a commercial bullying prevention program, it
2 shall use a program listed by the State Department of Education.

3 F. The State Board of Education shall adopt rules for
4 monitoring compliance with this section and is authorized to report
5 a school as deficient on the accreditation report for noncompliance
6 with the provisions of this section.

7 E. G. The provisions of this section shall not apply to
8 technology center schools.

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

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

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15 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/11/2019
16 - DO PASS, As Amended and Coauthored.

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