

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 878

By: Brecheen

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5
6 AS INTRODUCED

7 An Act relating to the School Safety and Bullying
8 Prevention Act; amending 70 O.S. 2011, Section 24-
9 100.4, as last amended by Section 1, Chapter 277,
10 O.S.L. 2016 (70 O.S. Supp. 2017, Section 24-100.4),
11 which relates to school bullying policies; modifying
12 requirement for training administrators and school
13 employees; providing an effective date; and declaring
14 an emergency.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-100.4, as
17 last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp.
18 2017, Section 24-100.4), is amended to read as follows:

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

1. Specifically address bullying by students at school and by
electronic communication, if the communication is specifically

1 directed at students or school personnel and concerns bullying at
2 school;

3 2. Contain a procedure for reporting an act of bullying to a
4 school official or law enforcement agency, including a provision
5 that permits a person to report an act anonymously. No formal
6 disciplinary action shall be taken solely on the basis of an
7 anonymous report;

8 3. Contain a requirement that any school employee that has
9 reliable information that would lead a reasonable person to suspect
10 that a person is a target of bullying shall immediately report it to
11 the principal or a designee of the principal;

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

14 a. an annual written notice of the policy be provided to
15 parents, guardians, staff, volunteers and students,
16 with age-appropriate language for students,

17 b. notice of the policy be posted at various locations
18 within each school site, including but not limited to
19 cafeterias, school bulletin boards, and administration
20 offices,

21 c. the policy be posted on the Internet website for the
22 school district and each school site that has an
23 Internet website, and
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1 d. the policy be included in all student and employee
2 handbooks;

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

6 6. Contain a procedure for providing timely notification to the
7 parents or guardians of a victim of documented and verified bullying
8 and to the parents or guardians of the perpetrator of the documented
9 and verified bullying;

10 7. Identify by job title the school official responsible for
11 enforcing the policy;

12 8. Contain procedures for reporting to law enforcement all
13 documented and verified acts of bullying which may constitute
14 criminal activity or reasonably have the potential to endanger
15 school safety;

16 9. Require ~~annual~~ training once every three (3) years for
17 administrators and school employees as developed and provided by the
18 State Department of Education in preventing, identifying, responding
19 to and reporting incidents of bullying;

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

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

4 12. Address prevention by providing:

- 5 a. consequences and remedial action for a person who
6 commits an act of bullying,
- 7 b. consequences and remedial action for a student found
8 to have falsely accused another as a means of
9 retaliation, reprisal or as a means of bullying, and
- 10 c. a strategy for providing counseling or referral to
11 appropriate services, including guidance, academic
12 intervention, and other protection for students, both
13 targets and perpetrators, and family members affected
14 by bullying, as necessary;

15 13. Establish a procedure for:

- 16 a. the investigation, determination and documentation of
17 all incidents of bullying reported to school
18 officials,
- 19 b. identifying the principal or a designee of the
20 principal as the person responsible for investigating
21 incidents of bullying,
- 22 c. reporting the number of incidents of bullying, and
- 23 d. determining the severity of the incidents and their
24 potential to result in future violence;

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

5 15. Establish a procedure whereby a school may request the
6 disclosure of any information concerning students who have received
7 mental health, substance abuse, or other care pursuant to paragraph
8 14 of this subsection that indicates an explicit threat to the
9 safety of students or school personnel, provided the disclosure of
10 the information does not violate the requirements and provisions of
11 the Family Educational Rights and Privacy Act of 1974, the Health
12 Insurance Portability and Accountability Act of 1996, Section 2503
13 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
14 the Oklahoma Statutes, or any other state or federal laws regarding
15 the disclosure of confidential information.

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

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

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

19 E. The board of education of each school district in this state
20 shall have the option of adopting a dress code for students enrolled
21 in the school district. The board of education of a school district
22 shall also have the option of adopting a dress code which includes
23 school uniforms.

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

4 G. The State Board of Education shall:

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

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

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

14 SECTION 2. This act shall become effective July 1, 2018.

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

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