

1 ENGROSSED SENATE  
2 BILL NO. 1138

By: Pemberton of the Senate

and

Pae and Rosecrants of the  
House

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5  
6 An Act relating to schools; amending 70 O.S. 2021,  
7 Section 24-100.3, which relates to definitions under  
8 the School Safety and Bullying Prevention Act;  
9 modifying definition; updating statutory reference;  
10 amending 70 O.S. 2021, Section 24-100.4, which  
11 relates to the control and discipline of a child;  
12 requiring certain policy to be updated annually;  
13 modifying who can report incidents of bullying;  
14 requiring anonymous reports to be investigated in  
15 certain manner; providing immunity from a cause of  
16 action for certain individuals making certain reports  
17 of bullying; requiring notification of the parents or  
18 legal guardians of certain students within certain  
19 time period of receiving a report of bullying;  
20 requiring immediate notification of the parents or  
21 legal guardians of certain students who express  
22 certain thoughts or intentions; requiring certain  
23 policy to contain a statement prohibiting retaliation  
24 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 Department of Education within certain time  
period; requiring a superintendent to submit certain  
report to a district board of education at least once  
each semester; requiring a district board of  
education to provide certain policy and explanation  
to employees; providing an effective date; and  
declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 24-100.3, is  
amended to read as follows:

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

3 1. "Bullying" means any pattern of harassment, intimidation,  
4 threatening behavior, physical acts, or verbal or electronic  
5 communication directed toward a student or group of students that  
6 results in or is reasonably perceived as being done with the intent  
7 to cause negative educational or physical results for the targeted  
8 individual or group and is communicated in such a way as to disrupt  
9 or interfere with the school's educational mission or the education  
10 of any student;

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

14 3. "Electronic communication" means the communication of any  
15 written, verbal, or pictorial information or video content by means  
16 of an electronic device, including, but not limited to, a telephone,  
17 a mobile or cellular telephone or other wireless telecommunication  
18 device, or a computer; and

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

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

4 SECTION 2. AMENDATORY 70 O.S. 2021, Section 24-100.4, is  
5 amended to read as follows:

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

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

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

3 3. Contain a requirement that any school employee that has  
4 reliable information that would lead a reasonable person to suspect  
5 that a person is a target of bullying shall immediately report it to  
6 the principal or a designee of the principal. A school employee,  
7 school volunteer, a student, or the parent or legal guardian of a  
8 student who promptly reports in good faith an incident of bullying  
9 to a school official and who makes the report in compliance with the  
10 provisions of this section shall be immune from a cause of action  
11 for damages arising out of the reporting itself or any failure to  
12 remedy the reported incident of bullying;

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

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

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

22 c. the policy be posted on the Internet website for the  
23 school district and each school site that has an  
24 Internet website, and

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 and requirement for providing  
7 notification to the parents or legal guardians of the reported  
8 victim of bullying and the parents or legal guardians of the  
9 reported perpetrator of the bullying within twenty-four (24) hours  
10 of receipt of the report of bullying and providing timely  
11 notification to the parents or legal guardians of a victim of  
12 documented and verified bullying and to the parents or legal  
13 guardians of the perpetrator of the documented and verified  
14 bullying; provided, if a student expresses suicidal thoughts or  
15 intentions or encourages another student to commit suicide, the  
16 parents or legal guardians of the student(s) shall be notified  
17 immediately;

18           7.    Identify by job title the school official responsible for  
19 enforcing the policy at each school site within a school district;

20           8.    Contain procedures for reporting to law enforcement all  
21 documented and verified acts of bullying which may constitute  
22 criminal activity or reasonably have the potential to endanger  
23 school safety;

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

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

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

13          12. Address prevention by providing:

14           a. consequences and remedial action for a person who  
15 commits an act of bullying,

16           b. consequences and remedial action for a student found  
17 to have falsely accused another as a means of  
18 retaliation, reprisal, or as a means of bullying, and

19           c. a strategy for providing counseling or referral to  
20 appropriate services, including guidance, academic  
21 intervention, and other protection for students, both  
22 targets and perpetrators, and family members affected  
23 by bullying, as necessary;

24          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

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

5       B. 1. In developing the policy, the district board of  
6 education shall ~~make an effort to~~ involve the teachers, parents,  
7 administrators, school staff, school volunteers, community  
8 representatives, local law enforcement agencies, and students.

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

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

21       4. The students, teachers, and parents or ~~guardian~~ legal  
22 guardians of every child residing within a school district shall be  
23 notified by the district board of education of its adoption of the  
24 policy and shall receive a copy upon request. The school district



1 policy shall be implemented in a manner that is ongoing throughout  
2 the school year and is integrated with other violence prevention  
3 efforts.

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

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

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

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

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

- 12 1. The district's policy adopted pursuant to this section; and  
13 2. An explanation of the employee's responsibilities with  
14 regard to the implementation of the policy adopted pursuant to this  
15 section.

16 I. The State Board of Education shall:

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

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

4 SECTION 3. This act shall become effective July 1, 2022.

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

9 Passed the Senate the 22nd day of February, 2022.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2022.

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17 Presiding Officer of the House  
18 of Representatives