

1 ENGROSSED SENATE  
2 BILL NO. 222

By: Standridge of the Senate

3 and

4 Pae of the House

5 An Act relating to schools; amending 70 O.S. 2011,  
6 Section 24-100.3, as amended by Section 2, Chapter  
7 311, O.S.L. 2013 (70 O.S. Supp. 2020, Section 24-  
8 100.3), which relates to definitions under the School  
9 Safety and Bullying Prevention Act; modifying  
10 definitions; amending 70 O.S. 2011, Section 24-100.4,  
11 as last amended by Section 1, Chapter 277, O.S.L.  
12 2016 (70 O.S. Supp. 2020, Section 24-100.4), which  
13 relates to the control and discipline of a child;  
14 requiring certain policy to be updated annually;  
15 modifying who can report incidents of bullying;  
16 requiring anonymous reports to be investigated in  
17 certain manner; providing immunity from a cause of  
18 action for certain individuals making certain reports  
19 of bullying; requiring notification of the parents or  
20 legal guardians of certain students within certain  
21 time period of receiving a report of bullying;  
22 requiring immediate notification of the parents or  
23 legal guardians of certain students who express  
24 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; requiring a district board of  
education to provide certain policy and explanation  
to employees and newly hired employees; providing an  
effective date; and declaring an emergency.

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

1 SECTION 1. 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. 2020,  
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 power imbalance and is repeated or is  
17 highly likely to be repeated.

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

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

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

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

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

13 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-100.4, as  
14 last amended by Section 1, Chapter 277, O.S.L. 2016 (70 O.S. Supp.  
15 2020, Section 24-100.4), is amended to read as follows:

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

23 1. Specifically address bullying by students ~~at school~~ on  
24 school premises and by electronic communication, if the

1 communication is specifically directed at students or school  
2 personnel and ~~concerns bullying at school~~ is communicated in such a  
3 way as to disrupt or interfere with the school's educational mission  
4 or the education of any student;

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

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

22 4. Contain a statement of how the policy is to be publicized  
23 including a requirement that:  
24

- 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

1 intentions or encourages another student to commit suicide, the  
2 parents or legal guardians of the student(s) shall be notified  
3 immediately;

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

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

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

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

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

22 12. Address prevention by providing:

23 a. consequences and remedial action for a person who  
24 commits an act of bullying,

- 1           b. consequences and remedial action for a student found  
2           to have falsely accused another as a means of  
3           retaliation, reprisal or as a means of bullying, and  
4           c. a strategy for providing counseling or referral to  
5           appropriate services, including guidance, academic  
6           intervention, and other protection for students, both  
7           targets and perpetrators, and family members affected  
8           by bullying, as necessary;

9       13. Establish a procedure for:

- 10           a. the investigation, determination and documentation of  
11           all incidents of bullying reported to school  
12           officials,  
13           b. identifying the principal or a designee of the  
14           principal as the person responsible for investigating  
15           incidents of bullying,  
16           c. reporting the number of incidents of bullying, and  
17           d. determining the severity of the incidents and their  
18           potential to result in future violence;

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

23       15. Establish a procedure whereby a school may request the  
24       disclosure of any information concerning students who have received

1 mental health, substance abuse, or other care pursuant to paragraph  
2 14 of this subsection that indicates an explicit threat to the  
3 safety of students or school personnel, provided the disclosure of  
4 the information does not violate the requirements and provisions of  
5 the Family Educational Rights and Privacy Act of 1974, the Health  
6 Insurance Portability and Accountability Act of 1996, Section 2503  
7 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of  
8 the Oklahoma Statutes, or any other state or federal laws regarding  
9 the disclosure of confidential information; and

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

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

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



1 least one other communication method regularly used by the board of  
2 education.

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

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

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

19 D. Except concerning students on individualized education plans  
20 (IEP) pursuant to the Individuals with Disabilities Education Act  
21 (IDEA), P.L. No. 101-476, the State Board of Education shall not  
22 have authority to prescribe student disciplinary policies for school  
23 districts or to proscribe corporal punishment in the public schools.  
24 The State Board of Education shall not have authority to require

1 school districts to file student disciplinary action reports more  
2 often than once each year and shall not use disciplinary action  
3 reports in determining a school district's or school site's  
4 eligibility for program assistance including competitive grants.

5 E. The board of education of each school district in this state  
6 shall have the option of adopting a dress code for students enrolled  
7 in the school district. The board of education of a school district  
8 shall also have the option of adopting a dress code which includes  
9 school uniforms.

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

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

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

- 21 1. The district's policy adopted pursuant to this section; and
- 22 2. An explanation of the employee's responsibilities with  
23 regard to the implementation of the policy adopted pursuant to this  
24 section.

1        I. The State Board of Education shall:

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

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

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

11        SECTION 3. This act shall become effective July 1, 2021.

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

1 Passed the Senate the 11th day of March, 2021.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives