

1 **SENATE FLOOR VERSION**

2 March 1, 2021

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 222

By: Standridge

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

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

- 1 a. an annual written notice of the policy be provided to
2 parents, legal guardians, staff, volunteers and
3 students, with age-appropriate language for students,
4 b. notice of the policy be posted at various locations
5 within each school site, including, but not limited
6 to, cafeterias, school bulletin boards, and
7 administration offices,
8 c. the policy be posted on the Internet website for the
9 school district and each school site that has an
10 Internet website, and
11 d. the policy be included in all student and employee
12 handbooks;

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

16 6. Contain a procedure and requirement for providing
17 notification to the parents or legal guardians of the reported
18 victim of bullying and the parents or legal guardians of the
19 reported perpetrator of the bullying within twenty-four (24) hours
20 of receipt of the report of bullying and providing timely
21 notification to the parents or legal guardians of a victim of
22 documented and verified bullying and to the parents or legal
23 guardians of the perpetrator of the documented and verified
24 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.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
17 March 1, 2021 - DO PASS AS AMENDED