

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1138

By: Pemberton

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5
6 AS INTRODUCED

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

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

2 SECTION 1. AMENDATORY 70 O.S. 2021, Section 24-100.3, is
3 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, or verbal or electronic
8 communication directed toward a student or group of students that
9 results in or is reasonably perceived as being done with the intent
10 to cause negative educational or physical results for the targeted
11 individual or group and is communicated in such a way as to disrupt
12 or interfere with the school's educational mission or the education
13 of any student;

14 2. ~~"At school"~~ "On school premises" means on school grounds, in
15 school vehicles, at school-sponsored activities, or at school-
16 sanctioned events;

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

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

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

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

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

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

21 2. Contain a procedure for ~~reporting~~ a student, a school
22 employee, a school volunteer, or a parent or legal guardian to
23 report an act of bullying to a school official or law enforcement
24 agency, including a provision that permits a person to report an act

1 anonymously. No formal disciplinary action shall be taken solely on
2 the basis of an anonymous report; provided, anonymous reports shall
3 be investigated in the same manner as other reports;

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

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

- 16 a. an annual written notice of the policy be provided to
17 parents, legal guardians, staff, volunteers, and
18 students, with age-appropriate language for students,
19 b. notice of the policy be posted at various locations
20 within each school site, including but not limited to
21 cafeterias, school bulletin boards, and administration
22 offices,

1 c. the policy be posted on the Internet website for the
2 school district and each school site that has an
3 Internet website, and

4 d. the policy be included in all student and employee
5 handbooks;

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

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

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

23 8. Contain procedures for reporting to law enforcement all
24 documented and verified acts of bullying which may constitute

1 criminal activity or reasonably have the potential to endanger
2 school safety;

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

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

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

15 12. Address prevention by providing:

16 a. consequences and remedial action for a person who
17 commits an act of bullying,

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

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

3 13. Establish a procedure for:

- 4 a. the investigation, determination, and documentation of
5 all incidents of bullying reported to school
6 officials,
7 b. identifying the principal or a designee of the
8 principal as the person responsible for investigating
9 incidents of bullying,
10 c. reporting the number of incidents of bullying, and
11 d. determining the severity of the incidents and their
12 potential to result in future violence;

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

17 15. Establish a procedure whereby a school may request the
18 disclosure of any information concerning students who have received
19 mental health, substance abuse, or other care pursuant to paragraph
20 14 of this subsection that indicates an explicit threat to the
21 safety of students or school personnel, provided the disclosure of
22 the information does not violate the requirements and provisions of
23 the Family Educational Rights and Privacy Act of 1974, the Health
24 Insurance Portability and Accountability Act of 1996, Section 2503

1 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
2 the Oklahoma Statutes, or any other state or federal laws regarding
3 the disclosure of confidential information; and

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

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

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

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

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

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

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

1 E. The board of education of each school district in this state
2 shall have the option of adopting a dress code for students enrolled
3 in the school district. The board of education of a school district
4 shall also have the option of adopting a dress code which includes
5 school uniforms.

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

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

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

- 17 1. The district's policy adopted pursuant to this section; and
18 2. An explanation of the employee's responsibilities with
19 regard to the implementation of the policy adopted pursuant to this
20 section.

21 I. The State Board of Education shall:

- 22 1. Promulgate rules for periodically monitoring school
23 districts for compliance with this section and providing sanctions
24 for noncompliance with this section;

1 2. Establish and maintain a central repository for the
2 collection of information regarding documented and verified
3 incidents of bullying; and

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

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

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

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