

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 880

By: Bullard

4  
5  
6 AS INTRODUCED

7 An Act relating to students; creating the Students'  
8 Bill of Rights; providing short title; affording  
9 certain rights to students enrolled in public school  
10 districts or public charter schools; requiring  
11 certain rights to be included in certain handbooks;  
12 directing the creation of certain due process plan  
13 for students and teachers; requiring plan to include  
14 certain components; allowing a parent or legal  
15 guardian to submit certain written request; requiring  
16 investigation upon receipt of certain request;  
17 requiring submission of confirmed violations to the  
18 State Department of Education; providing for  
19 promulgation of rules; authorizing certain  
20 designation of a school for certain noncompliance;  
21 directing state funding of a noncompliant school  
22 district or charter school to be decreased by certain  
23 percentage in certain fiscal year; creating a cause  
24 of action for certain noncompliance; amending 70 O.S.  
25 2021, Section 24-100.5, which relates to the Safe  
26 School Committee; directing the committee to hear  
27 appeals of findings related to violations of  
28 students' rights; providing for codification;  
29 providing an effective date; and declaring an  
30 emergency.

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

32 SECTION 1. NEW LAW A new section of law to be codified  
33 in the Oklahoma Statutes as Section 24-160 of Title 70, unless there  
34 is created a duplication in numbering, reads as follows:

1           A. This act shall be known and may be cited as the "Students'  
2 Bill of Rights".

3           B. A student enrolled in and attending a public school district  
4 or public charter school in this state shall be afforded the  
5 following rights:

6           1. The right to a safe learning environment including the right  
7 to be free from bullying and threatening behavior as defined in  
8 Section 24-100.3 of Title 70 of the Oklahoma Statutes;

9           2. The right to an unbiased education that does not endorse,  
10 favor, or promote socialism, communism, or Marxism and that is free  
11 from anti-American bias;

12           3. The right to an unbiased learning environment that includes  
13 but is not limited to:

14           a. the right to a classroom environment that is free from  
15 the display of flags or propaganda of any organization  
16 or symbol of socialism, communism, Marxism, or anti-  
17 American sentiment, and

18           b. the right to attend or participate in school-sponsored  
19 or school-sanctioned events or activities that are  
20 free from the display of flags or propaganda that is  
21 paid for with public funds and that represents any  
22 organization or symbol of socialism, communism,  
23 Marxism, or anti-American sentiment;

1           4. The right to privacy in his or her person and clothing as  
2 well as in student restrooms and athletic changing facilities;

3           5. The right to public and free expression of religion, speech,  
4 and peaceable assembly including but not limited to:

5           a. the right to participate in or lead voluntary prayer  
6           pursuant to the provisions of Section 11-101.1 of  
7           Title 70 of the Oklahoma Statutes,

8           b. the right to observe one minute of silence each day  
9           pursuant to the provisions of Section 11-101.2 of  
10           Title 70 of the Oklahoma Statutes,

11           c. the right to read the Holy Scriptures pursuant to the  
12           provisions of Section 11-101 of Title 70 of the  
13           Oklahoma Statutes, and

14           d. the right to an unbiased education that does not  
15           endorse, favor, promote, demean, show hostility  
16           toward, or intentionally undermine any particular  
17           religion or nonreligious faith or religious  
18           perspective;

19           6. The right to an education free from indoctrination. For the  
20 purposes of this section, "indoctrination" means the forced or  
21 compelled endorsement, adoption, acceptance, or affirmation of any  
22 belief system, ideology, theory, lifestyle, religion, non-religious  
23 faith, religious perspective, or philosophy by any action,  
24

1 curriculum, training, or instruction in a program or activity  
2 offered by the public school district or public charter school;

3 7. The right to an appropriate relationship with teachers and  
4 school employees that is free from actions that constitute a crime  
5 or an attempted crime as provided for in Section 843.5 of Title 21  
6 of the Oklahoma Statutes if the offense involved sexual abuse or  
7 sexual exploitation as those terms are defined in Section 1-1-105 of  
8 Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the  
9 offense included sexual abuse or sexual exploitation, 865 et seq.,  
10 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1,  
11 1114, or 1123 of Title 21 of the Oklahoma Statutes;

12 8. The right to be free from the use of vulgar language  
13 directed toward other individuals by other students, teachers,  
14 athletic coaches, and school district employees; and

15 9. The right to a learning environment in which students abide  
16 by a dress code, if a dress code has been adopted by the school  
17 district board of education or charter school governing board  
18 pursuant to Section 24-100.4 of Title 70 of the Oklahoma Statutes.

19 C. The rights provided for in subsection B of this section  
20 shall be included in student and employee handbooks published or  
21 posted online by the public school district or public charter  
22 school.

23 D. A school district board of education or governing board of a  
24 public charter school shall create a due process plan for students,

1 parents or legal guardians, and teachers to report violations of the  
2 rights provided for in subsection B of this section. The due  
3 process plan shall include, at a minimum, the following:

4 1. Designation of a school employee or employees to receive  
5 reports of violations including a provision that permits a person to  
6 report a violation in a manner that protects the identity of the  
7 accuser from retribution;

8 2. A requirement that reported violations be investigated by  
9 designated school employees in a timely manner;

10 3. Procedures for investigating and implementing punishment for  
11 false accusations;

12 4. Procedures for reporting to law enforcement suspected  
13 violations that may constitute criminal activity or reasonably have  
14 the potential to endanger school safety; and

15 5. A procedure for appealing the findings of designated school  
16 employees to a school's Safe School Committee created pursuant to  
17 Section 24-100.5 of Title 70 of the Oklahoma Statutes.

18 E. A parent or legal guardian of a student may submit a written  
19 request for an initial investigation or for additional investigation  
20 into a reported violation of the rights provided for in subsection B  
21 of this section. The request shall be signed by the parents or  
22 legal guardians of thirty-three percent (33%) of the students  
23 enrolled in the school site where the reported violation occurred.  
24 The request shall be submitted to the principal of the school site

1 and the school district superintendent. An investigation or  
2 additional investigation of the reported violation shall be complete  
3 within sixty (60) days of receipt of the written request.

4 F. Reports of violations confirmed by designated school  
5 employees pursuant to subsections D and E of this section shall be  
6 submitted to the State Department of Education.

7 G. 1. The State Board of Education shall adopt rules for  
8 monitoring compliance with this section and is authorized to report  
9 a school as deficient on the accreditation report for noncompliance  
10 with the provisions of this section.

11 2. Upon a finding of noncompliance as provided for in this  
12 paragraph by the Board, the noncompliant school district or public  
13 charter school shall receive a five percent (5%) decrease in state  
14 funding for the fiscal year following the year a school district or  
15 public charter school:

- 16 a. does not comply with the provisions of subsections C  
17 and D of this section, or  
18 b. submits two or more confirmed violations pursuant to  
19 subsection F of this section and the Board receives  
20 information that the violations have not been  
21 addressed.

22 H. A parent or legal guardian of a student enrolled in and  
23 attending a public school district or public charter school shall  
24 have a cause of action against the public school district or public

1 charter school for noncompliance with the provisions of subsections  
2 C and D of this section.

3 SECTION 2. AMENDATORY 70 O.S. 2021, Section 24-100.5, is  
4 amended to read as follows:

5 Section 24-100.5. A. Every year each public school site shall  
6 establish a Safe School Committee to be composed of at least seven  
7 (7) members. The Safe School Committee shall be composed of  
8 teachers, parents of enrolled students, students, and a school  
9 official who participates in the investigation of reports of  
10 bullying as required by subsection A of Section 24-100.4 of this  
11 title. The Committee may include administrators, school staff,  
12 school volunteers, community representatives, and local law  
13 enforcement agencies. The Committee shall assist the school board  
14 in promoting a positive school climate through planning,  
15 implementing, and evaluating effective prevention, readiness, and  
16 response strategies, including the ~~policy~~ policies required by  
17 Section 24-100.4 of this title and Section 1 of this act.

18 B. The Safe School Committee shall study and make  
19 recommendations to the principal regarding:

- 20 1. Unsafe conditions, possible strategies for students,  
21 faculty, and staff to avoid physical and emotional harm at school,  
22 student victimization, crime prevention, school violence, and other  
23 issues which prohibit the maintenance of a safe school;

1           2. Student bullying as defined in Section 24-100.3 of this  
2 title;

3           3. Professional development needs of faculty and staff to  
4 recognize and implement methods to decrease student bullying;

5           4. Methods to encourage the involvement of the community and  
6 students, the development of individual relationships between  
7 students and school staff, and use of problem-solving teams and  
8 resources that include counselors and other behavioral health and  
9 suicide prevention resources within or outside the school system;  
10 and

11           5. Professional development needs of faculty and staff to  
12 recognize and report suspected human trafficking.

13           In its considerations, the Safe School Committee shall review  
14 the district policy for the prevention of bullying and the list of  
15 research-based programs appropriate for the prevention of bullying  
16 of students at school compiled by the State Department of Education.  
17 In addition, the Committee may review traditional and accepted  
18 bullying prevention programs utilized by other states, state  
19 agencies, or school districts.

20           C. The Safe School Committee may study and make recommendations  
21 to the school district board of education regarding the development  
22 of a rape or sexual assault response program that may be implemented  
23 at the school site.



1 D. The Safe School Committee shall hear appeals of findings of  
2 designated school employees regarding violations of students' rights  
3 as provided for in Section 1 of this act.

4 E. The State Department of Education shall:

5 1. Develop a model policy and deliver training materials to all  
6 school districts on the components that should be included in a  
7 school district policy for the prevention of bullying; and

8 2. Compile and distribute to each public school site,  
9 prominently display on the State Department of Education website,  
10 and annually publicize in print media a list of research-based  
11 programs appropriate for the prevention of bullying of students. If  
12 a school district implements a commercial bullying prevention  
13 program, it shall use a program listed by the State Department of  
14 Education.

15 ~~E.~~ F. The provisions of this section shall not apply to  
16 technology center schools.

17 SECTION 3. This act shall become effective July 1, 2023.

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

22  
23 59-1-40 EB 1/19/2023 10:08:40 PM  
24  
25