

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**210:10-1-20. Implementation of policies prohibiting harassment, intimidation, and bullying**

(a) **Purpose.** Bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits the ability to learn, and leads to other antisocial behavior. Other detrimental effects of bullying include impact on school safety, student engagement, and the overall school environment. Successful school programs recognize, prevent, effectively identify, and intervene in incidents involving harassment, intimidation and bullying behavior. Schools that implement these programs have improved safety and create a more inclusive learning environment. The purpose of the Oklahoma School Bullying Prevention Act, 70 O.S. § 24-100.2, et seq., is to provide a comprehensive approach for public schools to create an environment free of unnecessary disruption which is conducive to the learning process by implementing policies for the prevention of harassment, intimidation and bullying.

(b) **Definitions.** The following words and terms, when used in this subchapter, shall have the following meaning:

(1) **"Harassment, Intimidation, and Bullying"** means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or gesture, written or verbal expression, electronic communication directed toward a student or group of students that; ~~or physical act that a reasonable person should know will:~~

(A) Results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group; and Harm another student;

(B) Is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student. Damage another student's property;

(C) Place another student in reasonable fear of harm to the student's person or damage to the student's property; or

(D) Insult or demean any student or group of students,

(2) **"At school"** means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events. **"Applicability"** ~~means the aforementioned conduct constitutes harassment, intimidation, and bullying if conducted in such a way as to disrupt or interfere with the school's educational mission or the education of any student. This includes, but is not limited to gestures, written, verbal, or physical acts, or electronic communications.~~

(3) **"Electronic Communication"** means the communication of any written, verbal, ~~or pictorial information~~ or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer.

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

(5) **Scope.** ~~Threatening behavior, harassment, intimidation, and bullying is prohibited on school grounds, in school vehicles, at designated bus stops, at school sponsored activities, or at school sanctioned events. Threatening behavior, harassment, intimidation, and bullying by electronic communication is prohibited whether or not such communication originated at school, or with school equipment, if the communication is specifically directed at students or school personnel and concerns harassment, intimidation, or bullying at school.~~

(c) **Implementation.** Each district board of education shall adopt a policy for the ~~control and~~ discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents of ~~harassment, intimidation, bullying, or threatening behavior.~~ Such policy shall provide options for ~~the methods of control and~~ discipline of the students and shall define standards of conduct to which students are expected to conform, which may include a detailed description of a graduated range of consequences and sanctions for bullying. The policy adopted by each district board of education shall meet all of the following requirements; ~~include and/or establish the following:~~

(1) ~~The policy shall specifically~~ Specifically prohibit threatening behavior, harassment, intimidation, and all bullying at school. The prohibition against bullying at school shall include all use of by students at school and by electronic communication that is specifically directed at students or school personnel and is used to perpetuate incidents at school which meet the definition of bullying set forth (b) of this Section; . ~~Electronic communication shall be prohibited whether or not such communication originated at school or with school equipment, if the communication is specifically directed at students or school personnel and concerns harassment, intimidation, or bullying at school.~~

(2) The policy shall require the district to establish a procedure at each school for reporting an act of bullying to a school official that includes:

(A) A process that ensures reports of bullying are kept confidential and private to the extent necessary to ensure the ability of individuals to report incidents without fear of retribution or retaliation. Such process shall include a procedure which enables any person to report an act of bullying anonymously, provided that an anonymous report shall not be used as the sole basis for formal disciplinary action;

(B) A process that contains a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal and provides guidelines to school administrators, teachers, and other personnel on specific actions to take if incidents of bullying occur; and

(C) A process that ensures tracking of multiple incidents in a way that enables school administrators to identify emerging patterns of bullying over extended periods of time and interventions used with specific bullies and victims of bullying; and

(D) A process that ensures that students are encouraged to report incidents of known bullying and that the system of reporting bullying incidents does not contain unnecessary obstacles to reporting that would serve as a deterrent to reporting;

(3) The policy shall contain procedures for publicizing the bullying policy that meet all of the following requirements:

(A) An annual written notice of the bullying policy, written in age-appropriate language, shall be provided to parents, guardians, staff, volunteers, and students at each school;

(B) A written notice of the school bullying policy shall be posted at various locations within each school site, including, but not limited to cafeterias, school bulletin boards, classrooms, and administration offices. The notice shall be written in age-appropriate language that is understandable and accessible by all students in the school in which the notice is distributed;

(C) The bullying policy shall be posted on the internet websites of the school district and each school site in the district which has its own website; and

(D) The bullying policy shall be included in all student and employee handbooks;

- (4) The policy shall require that appropriate school district personnel involved in investigation of reports of bullying shall make a determination regarding whether or not the conduct alleged is actually occurring;
- (5) The policy shall require the district to establish a procedure at each school for providing timely notification of documented and verified incident(s) of bullying to the parents or guardians of a victim of documented to the parents or guardians of the perpetrator;
- (6) The policy shall require each school to identify by job title the official who is responsible for enforcement of the district's bullying policy;
- (7) The policy shall require the district to establish a procedure at each school for reporting all documented and verified acts of bullying to law enforcement that either:
- (A) May constitute criminal conduct; or
  - (B) Have a reasonable potential to endanger the safety of school students, school personnel, or school visitors;
- (8) The policy shall require administrators and school employees to participate in annual training in bullying identification, prevention, reporting, and response that is developed and/or provided by the State Department of Education;
- (9) The policy shall require the district to provide students and parents at each school with an educational program in bullying identification, prevention, reporting, and response that is designed and developed by the State Department of Education;
- (10) The policy shall address prevention of and education about threatening behavior, harassment, intimidation, and bullying by providing procedures at each school that contain:-
- (A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:
    - (i) Verbal or written warnings;
    - (ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;
    - (iii) Detention;
    - (iv) Loss of school privileges;
    - (v) Course and/or teacher reassignment;
    - (vi) Prohibition or suspension of participation in school activities;
    - (vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;
    - (viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;
    - (ix) Restitution of a victim's property that has been damaged as a result of a documented and verified bullying incident;
    - (x) Reassignment, suspension, and/or termination of school employment;
    - (xi) Referral to law enforcement;
  - (B) Consequences and remedial action for a student found to have falsely accused another student of bullying as a means of retaliation, reprisal, or means of bullying that is appropriate to the age of the perpetrator and severity of the incident, provided that such consequences shall not be implemented or enforced in such a way as to deter credible reports of bullying incidents; and

(C) A strategy for providing appropriate services as necessary for students who are targets of bullying; family members affected by bullying; and perpetrators of bullying. Such services and support may be provided by the school directly or through referrals to other providers and may include, but are not limited to one or more of the following:

(i) Counseling;

(ii) Academic intervention;

(iii) Protection for students who are targets of bullying; and

(iv) Any other appropriate services as necessary to:

(I) Ensure the safety of all students involved in incidents of bullying; and

(II) Prevent further incidents of bullying.

(311) The policy shall require the district to establish a procedure at each school for:

(A) The investigation, documentation, and determination of all incidents of harassment, intimidation, bullying or threatening behavior reported to school officials; for the purpose of determining the severity of the incidents and their potential to result in future violence.

(B) Identification and designation of a school official at each school site who is responsible for investigation of incidents of bullying;

(C) Reporting the number of incidents of bullying to the State Department of Education; and

(D) Determination of the severity of the incident(s) and the potential of the incident(s) to result in future violence.

(412) The policy shall require the district to establish a procedure at each school which provides, upon the completion of an investigation, that a school may recommend that available community mental health care, substance abuse, or other counseling options be provide to the student, if appropriate. This may include information about the types of support services available to the student bully, victim, and any other students affected by the prohibited behavior.

~~(513)~~ The policy shall require the district to establish a procedure at each school whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other health care pursuant to ~~sub-section~~ (412) of this rule subsection, if that information indicates an explicit threat to the safety of students or school personnel provided, and if the disclosure of that information does not violate the provisions or requirements 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 Oklahoma Statutes, or any other state or federal laws relating to the disclosure of confidential information.

(d) **Policy Adoption.** The policy adopted by the local school board pursuant to 70 O.S. § 24-100.4 shall include the statutorily required sections outlined in section (c) of this rule. Failure to include such items shall result in action pursuant to ~~section~~ (f) of this rule Section.

(e) **Policy Development.** In developing a district policy, each district board of education shall make an effort to involve teachers, parents, and students. The students, teachers, and parents or guardian of every child residing within a school district shall be notified by the district board of education of the adoption of the policy and shall receive a copy upon request.

(f) **Monitoring and Compliance.** The State Board of Education shall monitor school districts for compliance with 70 O.S. § 24-100.4 and ~~section~~ (c) of this rule Section.

(1) To assist the State Department of Education with compliance efforts pursuant to this section, each school district shall identify a Bullying Coordinator who will serve as the

district contact responsible for providing information to the State Board of Education. The Bullying Coordinator shall maintain on file with the Department of Education updated contact information. Each school district shall notify the State Department of Education within fifteen (15) business days of the appointment of a new Bullying Coordinator.

(2) ~~Beginning with the 2012-2013 school year, and for each school year following, each~~ Every school district shall submit to the State Board of Education a copy of the district's bullying policy. The bullying policy shall be submitted to the State Department of Education by December 10th of each school year, and shall be submitted as a part of the school's Annual Performance Report.

(3) ~~Beginning with the 2012-2013 school year, and for each school year following, the~~ The State Department of Education shall conduct a an annual comprehensive review of each school district's bullying policy to ensure compliance with 70 O.S. § 24-100.4. School districts that do not comply with the statutory requirements of the statute shall be notified in writing, and be required to make necessary changes to comply with state law.

(4) State Department of Education staff shall monitor school districts for compliance with 70 O.S. § 24-100.4 and section (c) of this rule. The State Department of Education may initiate a compliance review upon receipt of evidence which indicates noncompliance with 70 O.S. § 24-100.4. Evidence of potential noncompliance shall be based on the nature or frequency of confirmed complaints of non-compliance received by the State Department of Education. The scope of a compliance review initiated pursuant to ~~sub-section~~ (f) of this Section rule shall be limited to determining whether a school district has implemented policies required by 70 O.S. § 24-100.4.

(5) Records indicating substantial noncompliance with ~~sub-sections (3) or (4)~~ (c) of this rule Section shall be submitted to the school district's Regional Accreditation Officer (RAO) for review and consideration during the district's accreditation process. Record of a school district's failure to comply with 70 O.S. § 24-100.4, including the number of confirmed complaints of non-compliance involving the district, shall be documented in the district's compliance report and be considered for purposes of accreditation.

(g) **Federal Applicability.** Harassment, intimidation, and bullying behavior may also result in discriminatory harassment, prohibited by Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability. Each school district shall take necessary steps to ensure compliance with federal law.