

ENROLLED SENATE
BILL NO. 992

By: Rozell of the Senate

and

Staggs and Davis of the
House

An Act relating to schools; creating the School Bullying Prevention Act; providing short title; stating legislative findings; stating purpose; providing definitions; prohibiting certain construction; amending 70 O.S. 2001, Section 6-114, which relates to control and discipline of children; requiring certain policy to prohibit harassment, intimidation, and bullying of students at school; amending 70 O.S. 2001, Section 24-100, which relates to safe school committees; clarifying language; modifying requirements for study and recommendations; requiring committee to review certain prevention programs; requiring State Department of Education to distribute to schools a list of certain programs; requiring school districts to use listed programs; providing for codification; providing for recodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-100.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 4 of this act shall be known and may be cited as the "School Bullying Prevention Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-100.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds that bullying has a negative effect on the social environment of schools, creates a climate of fear among students, inhibits their ability to learn, and leads to other antisocial behavior. Bullying behavior has been linked to other forms of antisocial behavior, such as vandalism, shoplifting, skipping and dropping out of school, fighting, and the use of drugs and alcohol. Research has shown that sixty percent (60%) of males who were bullies in grades six through nine were convicted of at least one crime as adults, and thirty-five percent (35%) to forty percent (40%) of these former bullies had three or more convictions by twenty-four (24) years of age. Successful programs to recognize, prevent, and effectively intervene in bullying behavior have been developed and replicated in schools across the country. These schools send the message that bullying behavior is not tolerated and, as a result, have improved safety and created a more inclusive learning environment.

B. The purpose of the School Bullying Prevention Act is to provide a comprehensive approach for the public schools of this state 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.

C. As used in the School Bullying Prevention Act:

1. "Harassment, intimidation, and bullying" means any gesture, written or verbal expression, or physical act that a reasonable person should know will harm another student, damage another student's property, place another student in reasonable fear of harm to the student's person or damage to the student's property, or insult or demean any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student. "Harassment, intimidation, and bullying"

include, but are not limited to, a gesture or written, verbal, or physical act; and

2. "At school" means on school grounds, in school vehicles, at designated school bus stops, at school-sponsored activities, or at school-sanctioned events.

D. Nothing in this act shall be construed to impose a specific liability on any school district.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 6-114, is amended to read as follows:

Section 6-114. A. 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 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. The policy shall specifically prohibit harassment, intimidation, and bullying by students at school and address prevention of and education about such behavior. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, and students affected. 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 its adoption of the policy and shall receive a copy upon request. Provided, the teacher of a child attending a public school shall have the same right as a parent or guardian to control and discipline such child according to ~~local~~ district policies during the time the child is in attendance or in transit to or from the school or any other school function authorized by the school district or classroom presided over by the teacher.

B. Except concerning students on individualized education plans (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, the State Board of Education shall not have authority to prescribe student disciplinary policies for school districts or to proscribe corporal punishment in the public schools. The State Board of Education shall not have authority to require school districts to file student disciplinary action reports more often than once each year and shall not use disciplinary action

reports in determining a school district's or school site's eligibility for program assistance including competitive grants.

C. The board of education of each school district in this state shall have the option of adopting a dress code for students enrolled in the school district. The board of education of a school district shall also have the option of adopting a dress code which includes school uniforms.

SECTION 4. AMENDATORY 70 O.S. 2001, Section 24-100, is amended to read as follows:

Section 24-100. A. Due to the growing concern ~~of~~ regarding safety and the ever constant threat of violence in ~~our children's~~ the public schools, it is the intent of the Legislature that ~~local~~ public schools and families ~~must~~ work together to combat this rising problem. Therefore, ~~no later than~~ beginning October 1, 1996, and every year thereafter, each public school site shall establish a Safe School Committee to be composed of at least six (6) members. The Safe School Committee shall be composed of an equal number of teachers, parents of the children affected and students.

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

1. Unsafe conditions, possible strategies for students to avoid harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;

2. Student harassment, intimidation, and bullying at school;

3. Professional development needs of faculty and staff to implement methods to decrease student harassment, intimidation, and bullying; and

4. Methods to encourage the involvement of the community and students, the development of individual relationships between students and school staff, and use of problem-solving teams that include counselors and/or school psychologists.

In its considerations, the Safe School Committee shall review traditional and accepted harassment, intimidation, and bullying prevention programs utilized by other states, state agencies, or school districts.

C. The State Department of Education shall compile and distribute to each public school site a list of research-based programs appropriate for the prevention of harassment, intimidation, and bullying of students at school. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

~~B.~~ D. The provisions of this section shall not apply to technology center schools.

SECTION 5. RECODIFICATION 70 O.S. 2001, Section 6-114, as amended by Section 3 of this act, and Section 24-100, as amended by Section 4 of this act, shall be recodified as Sections 24-100.4 and 24-100.5 of Title 70 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 6. This act shall become effective November 1, 2002.

Passed the Senate the 22nd day of April, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of March, 2002.

Presiding Officer of the House
of Representatives

