

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3123

By: Williams

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6 AS INTRODUCED

7 An Act relating to student discipline; amending 70
8 O.S. 2021, Sections 24-100.3 and 24-100.4, as amended
9 by Section 6, Chapter 15, O.S.L. 2023 (70 O.S. Supp.
10 2023, Section 24-100.4), which relate to the School
11 Safety and Bullying Prevention Act; adding defined
12 terms; deleting student disciplinary limitations on
13 State Board of Education; allowing teacher or bus
14 driver to exclude students for certain conduct;
15 requiring excluded student to be supervised by the
16 principal or designee; providing for disciplinary
17 action; requiring certain notice of disciplinary
18 action; establishing process for student to be
19 readmitted to the classroom or bus; authorizing
20 transfer of student to alternative setting; directing
21 school board of education to increase attention and
22 resources to certain programs; providing additional
23 disciplinary measures for older students; prescribing
24 process for reporting certain student disciplinary
-- actions in online student information system;
mandating Board establish minimum requirements for
school discipline policies; creating an online
reporting portal in the student information system;
prohibiting establishment of a statewide uniform
discipline policy; providing an effective date; and
declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 24-100.3, is
amended to read as follows:

1 Section 24-100.3 A. As used in the School Safety and Bullying
2 Prevention Act:

3 1. "At school" means on school grounds, in school vehicles, at
4 school-sponsored activities, or at school-sanctioned events;

5 2. "Bullying" means any pattern of harassment, intimidation,
6 threatening behavior, physical acts, verbal or electronic
7 communication directed toward a student or group of students that
8 results in or is reasonably perceived as being done with the intent
9 to cause negative educational or physical results for the targeted
10 individual or group and is communicated in such a way as to disrupt
11 or interfere with the school's educational mission or the education
12 of any student;

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

15 3. "Bus" means any vehicle used to transport students to and
16 from school or school district events, whether intramural or
17 extramural;

18 4. "Bus driver" means any person employed on a full-time or
19 part-time basis by the school district to operate a bus;

20 5. "Disorderly conduct" means any pattern of behavior or
21 isolated action committed to disrupt the normal proceedings or
22 processes at school or to limit the ability of a teacher to provide
23 instruction or other school services to public school students;
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1 6. "Disruptive behavior" means a series of actions considered
2 to be disorderly conduct, threatening behavior, or interference in
3 the teaching or learning processes of others;

4 7. "Electronic communication" means the communication of any
5 written, verbal, pictorial information or video content by means of
6 an electronic device, including, but not limited to, a telephone, a
7 mobile or cellular telephone or other wireless telecommunication
8 device, or a computer;

9 8. "Learning process" means the actions or steps required for
10 an individual to acquire, comprehend, and commit to memory specific
11 knowledge being taught by a teacher in the classroom;

12 9. "Orderly educational process" means a teacher's lesson plan
13 for the day, class period, or specified time for particular
14 instruction;

15 10. "Teaching process" means the actions or steps required for a
16 teacher to perform in order for students to acquire, comprehend, and
17 commit to memory specific knowledge; and

18 ~~4.~~ 11. "Threatening behavior" means any pattern of behavior or
19 isolated action, whether or not it is directed at another person,
20 that a reasonable person would believe indicates potential for
21 future harm to students, school personnel, or school property.

22 B. Nothing in this act shall be construed to impose a specific
23 liability on any school district.
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1 SECTION 2. AMENDATORY 70 O.S. 2021, Section 24-100.4, as
2 amended by Section 6, Chapter 15, O.S.L. 2023 (70 O.S. Supp. 2023,
3 Section 24-100.4), is amended to read as follows:

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

11 1. Specifically address bullying by students at school and by
12 electronic communication, if the communication is specifically
13 directed at students or school personnel and concerns bullying at
14 school;

15 2. Contain a procedure for reporting an act of bullying to a
16 school official or law enforcement agency, including a provision
17 that permits a person to report an act anonymously. No formal
18 disciplinary action shall be taken solely on the basis of an
19 anonymous report;

20 3. Contain a requirement that any school employee that has
21 reliable information that would lead a reasonable person to suspect
22 that a person is a target of bullying shall immediately report it to
23 the principal or a designee of the principal;

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

3 a. an annual written notice of the policy be provided to
4 parents, guardians, staff, volunteers and students,
5 with age-appropriate language for students,

6 b. notice of the policy be posted at various locations
7 within each school site, including but not limited to
8 cafeterias, school bulletin boards, and administration
9 offices,

10 c. the policy be posted on the Internet website for the
11 school district and each school site that has an
12 Internet website, and

13 d. the policy be included in all student and employee
14 handbooks;

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

18 6. Contain a procedure for providing timely notification to the
19 parents or guardians of a victim of documented and verified bullying
20 and to the parents or guardians of the perpetrator of the documented
21 and verified bullying;

22 7. Identify by job title the school official responsible for
23 enforcing the policy;

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1 8. Contain procedures for reporting to law enforcement all
2 documented and verified acts of bullying which may constitute
3 criminal activity or reasonably have the potential to endanger
4 school safety;

5 9. Require training for administrators and school employees as
6 developed and provided by the State Department of Education in
7 preventing, identifying, responding to and reporting incidents of
8 bullying. The training shall be completed the first year an
9 administrator or school employee is employed by a school district,
10 and then once every fifth academic year;

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

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

19 12. Address prevention by providing:

- 20 a. consequences and remedial action for a person who
21 commits an act of bullying,
- 22 b. consequences and remedial action for a student found
23 to have falsely accused another as a means of
24 retaliation, reprisal or as a means of bullying, and
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1 c. a strategy for providing counseling or referral to
2 appropriate services, including guidance, academic
3 intervention, and other protection for students, both
4 targets and perpetrators, and family members affected
5 by bullying, as necessary;

6 13. Establish a procedure for:

7 a. the investigation, determination and documentation of
8 all incidents of bullying reported to school
9 officials,

10 b. identifying the principal or a designee of the
11 principal as the person responsible for investigating
12 incidents of bullying,

13 c. reporting the number of incidents of bullying, and

14 d. determining the severity of the incidents and their
15 potential to result in future violence;

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

20 15. Establish a procedure whereby a school may request the
21 disclosure of any information concerning students who have received
22 mental health, substance abuse, or other care pursuant to paragraph
23 14 of this subsection that indicates an explicit threat to the
24 safety of students or school personnel, provided the disclosure of
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1 the information does not violate the requirements and provisions of
2 the Family Educational Rights and Privacy Act of 1974, the Health
3 Insurance Portability and Accountability Act of 1996, Section 2503
4 of Title 12 of the Oklahoma Statutes, Section 1376 of Title 59 of
5 the Oklahoma Statutes, or any other state or federal laws regarding
6 the disclosure of confidential information.

7 B. In developing the policy, the district board of education
8 shall make an effort to involve the teachers, parents,
9 administrators, school staff, school volunteers, community
10 representatives, local law enforcement agencies and students. The
11 students, teachers, and parents or guardian of every child residing
12 within a school district shall be notified by the district board of
13 education of its adoption of the policy and shall receive a copy
14 upon request. The school district policy shall be implemented in a
15 manner that is ongoing throughout the school year and is integrated
16 with other violence prevention efforts.

17 C. The teacher of a child attending a public school shall have
18 the same right as a parent or guardian to control and discipline
19 such child according to district policies during the time the child
20 is in attendance or in transit to or from the school or any other
21 school function authorized by the school district or classroom
22 presided over by the teacher.

23 D. ~~Except concerning students on individualized education plans~~
24 ~~(IEP) pursuant to the Individuals with Disabilities Education Act~~
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1 ~~(IDEA), P.L. No. 101-476, the State Board of Education shall not~~
2 ~~have authority to prescribe student disciplinary policies for school~~
3 ~~districts or to proscribe corporal punishment in the public schools.~~
4 ~~The State Board of Education shall not have authority to require~~
5 ~~school districts to file student disciplinary action reports more~~
6 ~~often than once each year and shall not use disciplinary action~~
7 ~~reports in determining a school district's or school site's~~
8 ~~eligibility for program assistance including competitive grants~~

9 1. A teacher or bus driver may exclude from his or her
10 classroom or school bus any student who:

- 11 a. is guilty of disorderly conduct,
- 12 b. in any manner interferes with an orderly educational
13 process,
- 14 c. behaves in a manner that obstructs the teaching or
15 learning process of others in the classroom or on the
16 bus,
- 17 d. threatens, abuses, or otherwise intimidates or
18 attempts to intimidate a school employee or a student,
- 19 e. willfully disobeys a school employee, or
- 20 f. uses abusive or profane language directed at a school
21 employee.

22 2. Any student excluded pursuant to paragraph 1 of this
23 subsection shall be placed under the supervision of the principal of
24 the school or a designee. The excluded student may be admitted to
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1 the classroom or school bus only when the principal, or a designee,
2 provides written certification to the teacher or bus driver that the
3 student may be readmitted and specifies the type of disciplinary
4 action, if any, that was taken. If the principal finds that
5 disciplinary action is warranted, he or she shall provide written
6 and, if possible, telephonic notice of the action to the parent,
7 guardian, or custodian of the student. When a student is excluded
8 from a classroom or a school bus twice in one semester, and after
9 exhausting all reasonable methods of classroom discipline provided
10 in the school discipline policy, the student may be readmitted to
11 the classroom or the school bus only after the principal and teacher
12 or bus driver, and, if possible, the parent, guardian, or custodian
13 of the student have held a conference to discuss the disruptive
14 behavior patterns of the student, and the teacher or bus driver and
15 the principal agree on a course of discipline for the student and
16 inform the parent, guardian, or custodian of the course of action.
17 Thereafter, if the student's disruptive behavior persists, upon the
18 request of the teacher or bus driver, the principal may, to the
19 extent feasible, transfer the student to another setting, including
20 but not limited to, isolating students or placing them in
21 alternative education programs or academies established pursuant to
22 Section 1210.568 of this title. The district board of education
23 shall increase attention and resources to its alternative education
24 program or its cooperative alternative education program to expand
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1 its capacity for alternative placements, subject to funding, to
2 correct the behaviors of students so they can return to a regular
3 classroom without engaging in further disruptive behavior.

4 3. When a teacher in grades six through twelve, excluding an
5 elementary school teacher, determines that the behavior of the
6 student is disorderly conduct, is interfering with an orderly
7 educational process, or obstructs the teaching or learning process
8 of others in the classroom:

9 a. the student may be excluded from the teacher's
10 classroom and, if excluded, shall not re-enter the
11 teacher's classroom for at least the remainder of the
12 instructional day, and

13 b. if the student is excluded pursuant to subparagraph a
14 of this paragraph:

15 (1) the principal shall communicate with the teacher
16 within twenty-four (24) hours of the student
17 being excluded from the teacher's classroom about
18 the exclusion,

19 (2) the teacher shall have twenty-four (24) hours to
20 create an electronic report of the student being
21 excluded and record the report in a web-based
22 platform in the student information system
23 created by paragraph 4 of subsection G of this
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1 section, without any consequence to the teacher,
2 and

3 (3) if the student is removed from a classroom a
4 total of three times in one month for one or more
5 of the behaviors listed in paragraph 1 of this
6 subsection, the student shall receive, as
7 determined by the principal, an in-school
8 suspension, an out-of-school suspension, or may
9 be considered for placement in an alternative
10 education program or a cooperative education
11 program if available.

12 E. The board of education of each school district in this state
13 shall have the option of adopting a dress code for students enrolled
14 in the school district. The board of education of a school district
15 shall also have the option of adopting a dress code which includes
16 school uniforms.

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

20 G. The State Board of Education shall:

21 1. Promulgate rules for periodically monitoring school
22 districts for compliance with this section, establishing minimum
23 requirements for school district discipline policies, and providing
24 sanctions for noncompliance with this section;
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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; and

7 4. Create a web-based platform in the student information
8 system for teachers to file reports of student incidents described
9 in division (2) of subparagraph b of paragraph 3 of subsection D of
10 this section.

11 H. Rules promulgated in accordance with this section shall not
12 establish a uniform discipline policy for the entire state.

13 SECTION 3. This act shall become effective July 1, 2024.

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

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