

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 588

By: Bullard

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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 allowing the State Board of Education to impose  
22 certain penalty; amending 70 O.S. 2011, Section 24-  
23 100.5, as last amended by Section 1, Chapter 285,  
24 O.S.L. 2019 (70 O.S. Supp. 2020, Section 24-100.5),  
which relates to the Safe School Committee; directing  
the committee to hear appeals of findings related to  
violations of students' rights; providing for  
codification; providing an effective date; and  
declaring an emergency.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 24-157 of Title 70, unless there  
24 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 are  
21 paid for with public funds and that represent any  
22 organization or symbol of socialism, communism,  
23 Marxism or anti-American sentiment;

1 4. The right to privacy in their persons and clothing as well  
2 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 or lead in 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 toward  
16 or intentionally undermine any particular religion or  
17 nonreligious faith or religious perspective;

18 6. The right to an appropriate relationship with teachers and  
19 school employees that is free from actions that constitute a crime  
20 or an attempted crime as provided for in Section 843.5 of Title 21  
21 of the Oklahoma Statutes if the offense involved sexual abuse or  
22 sexual exploitation as those terms are defined in Section 1-1-105 of  
23 Title 10A of the Oklahoma Statutes, Sections 741, 843.1, if the  
24 offense included sexual abuse or sexual exploitation, 865 et seq.,  
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1 885, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1111.1,  
2 1114 or 1123 of Title 21 of the Oklahoma Statutes; and

3 7. The right to be free from the use of vulgar language  
4 directed toward other individuals by other students, teachers,  
5 athletic coaches and school district employees.

6 C. The rights provided for in subsection B of this section  
7 shall be included in student and employee handbooks published or  
8 posted online by the public school district or public charter  
9 school.

10 D. A school district board of education or governing board of a  
11 public charter school shall create a due process plan for students,  
12 parents or legal guardians and teachers to report violations of the  
13 rights provided for in subsection B of this section. The due process  
14 plan shall include, at a minimum, the following:

15 1. Designation of a school employee or employees to receive  
16 reports of violations, including a provision that permits a person  
17 to report a violation in a manner that protects the identity of the  
18 accuser from retribution;

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

21 3. Procedures for investigating and implementing punishment for  
22 false accusations;

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

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

7 E. A parent or legal guardian of a student may submit a written  
8 request for an initial investigation or for additional investigation  
9 into a reported violation of the rights provided for in subsection B  
10 of this section. The request shall be signed by the parents or  
11 legal guardians of thirty-three percent (33%) of the students  
12 enrolled in the school site where the reported violation occurred.  
13 The request shall be submitted to the principal of the school site  
14 and the school district superintendent. An investigation or  
15 additional investigation of the reported violation shall be complete  
16 within sixty (60) days of receipt of the written request.

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

20 G. 1. The State Board of Education shall adopt rules for  
21 monitoring compliance with this section and is authorized to report  
22 a school as deficient on the accreditation report for noncompliance  
23 with the provisions of this section.

1           2. The Board may impose a State Aid penalty in an amount to be  
2 determined by the Board if a school district or public charter  
3 school:

4           a. does not comply with the provisions of subsections C  
5 and D of this section; or

6           b. submits two or more confirmed violations pursuant to  
7 subsection F of this section and the Board receives  
8 information that the violations have not been  
9 addressed.

10           SECTION 2.           AMENDATORY           70 O.S. 2011, Section 24-100.5, as  
11 last amended by Section 1, Chapter 285, O.S.L. 2019 (70 O.S. Supp.  
12 2020, Section 24-100.5), is amended to read as follows:

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

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

5 1. Unsafe conditions, possible strategies for students, faculty  
6 and staff to avoid physical and emotional harm at school, student  
7 victimization, crime prevention, school violence, and other issues  
8 which prohibit the maintenance of a safe school;

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

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

13 4. Methods to encourage the involvement of the community and  
14 students, the development of individual relationships between  
15 students and school staff, and use of problem-solving teams and  
16 resources that include counselors and other behavioral health and  
17 suicide prevention resources within or outside the school system;  
18 and

19 5. Professional development needs of faculty and staff to  
20 recognize and report suspected human trafficking.

21 In its considerations, the Safe School Committee shall review  
22 the district policy for the prevention of bullying and the list of  
23 research-based programs appropriate for the prevention of bullying  
24 of students at school compiled by the State Department of Education.

1 In addition, the Committee may review traditional and accepted  
2 bullying prevention programs utilized by other states, state  
3 agencies, or school districts.

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

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

11 E. The State Department of Education shall:

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

15 2. Compile and distribute to each public school site,  
16 prominently display on the State Department of Education website and  
17 annually publicize in print media a list of research-based programs  
18 appropriate for the prevention of bullying of students. If a school  
19 district implements a commercial bullying prevention program, it  
20 shall use a program listed by the State Department of Education.

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

23 SECTION 3. This act shall become effective July 1, 2021.  
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1 SECTION 4. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.  
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