

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 792

By: Jett

AS INTRODUCED

An Act relating to the School Safety and Bullying Prevention Act; amending 70 O.S. 2021, Section 24-100.4, as amended by Section 6, Chapter 15, O.S.L. 2023 (70 O.S. Supp. 2024, Section 24-100.4), which relates to discipline and bullying policies; updating statutory language; requiring policy to recognize certain right of students to take certain actions to defend himself or herself; requiring policy to contain certain confirming statements; requiring policy to include statement regarding a zero tolerance disciplinary policy; defining term; requiring policy to include statement relating to students who engage in self-defense; 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 24-100.4, as amended by Section 6, Chapter 15, O.S.L. 2023 (70 O.S. Supp. 2024, Section 24-100.4), is amended to read as follows:

Section 24-100.4. A. Each school district board of education shall adopt a policy for the discipline of all children attending public school in that district, and for the investigation of reported incidents of bullying. The policy shall provide options for the discipline of the students and shall define standards of

1 conduct to which students are expected to conform. The policy
2 shall:

3 1. Specifically address bullying by students at school and by
4 electronic communication, if the communication is specifically
5 directed at students or school personnel and concerns bullying at
6 school;

7 2. Contain a procedure for reporting an act of bullying to a
8 school official or law enforcement agency, including a provision
9 that permits a person to report an act anonymously. No formal
10 disciplinary action shall be taken solely on the basis of an
11 anonymous report;

12 3. Contain a requirement that any school employee that has
13 reliable information that would lead a reasonable person to suspect
14 that a person is a target of bullying shall immediately report it to
15 the principal or a designee of the principal;

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

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

21 b. notice of the policy be posted at various locations
22 within each school site, including, but not limited
23 to, cafeterias, school bulletin boards, and
24 administration offices,

1 c. the policy be posted on the Internet website for the
2 school district and each school site that has an
3 Internet website, and

4 d. the policy be included in all student and employee
5 handbooks;

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

9 6. Contain a procedure for providing timely notification to the
10 parents or guardians of a victim of documented and verified bullying
11 and to the parents or guardians of the perpetrator of the documented
12 and verified bullying;

13 7. Identify by job title the school official responsible for
14 enforcing the policy;

15 8. Contain procedures for reporting to law enforcement all
16 documented and verified acts of bullying which may constitute
17 criminal activity or reasonably have the potential to endanger
18 school safety;

19 9. Recognize the fundamental right of every student to take
20 reasonable actions as may be necessary to defend himself or herself
21 from an attack by another student who has evidenced bullying or
22 threatening behavior, as defined by Section 24-100.3 of this title.
23 The policy shall contain statements confirming the following:
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- 1 a. a student who is physically attacked shall be entitled
2 to use physical force that is reasonable and necessary
3 for self-protection,
- 4 b. a student who witnesses another person being
5 physically attacked is entitled to use reasonable and
6 necessary physical restraint, defined as the placing
7 of hands on another in a manner that is reasonable or
8 necessary, to protect the person from physical harm,
9 and
- 10 c. a school district shall investigate a student's use of
11 physical force and may not reprimand or discipline a
12 student who is found through the investigation to have
13 more likely than not used physical force for self-
14 protection or in protection of another;

15 10. Require training for administrators and school employees as
16 developed and provided by the State Department of Education in
17 preventing, identifying, responding to, and reporting incidents of
18 bullying. The training shall be completed the first year an
19 administrator or school employee is employed by a school district,
20 and ~~then~~ once every fifth academic year thereafter;

21 ~~10.~~ 11. Provide for an educational program as designed and
22 developed by the State Department of Education and in consultation
23 with the Office of Juvenile Affairs for students and parents in
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1 preventing, identifying, responding to, and reporting incidents of
2 bullying;

3 ~~11.~~ 12. Establish a procedure for referral of a person who
4 commits an act of bullying to a delinquency prevention and diversion
5 program administered by the Office of Juvenile Affairs;

6 ~~12.~~ 13. Address prevention by providing:

- 7 a. consequences and remedial action for a person who
- 8 commits an act of bullying,
- 9 b. consequences and remedial action for a student found
- 10 to have falsely accused another as a means of
- 11 retaliation, reprisal, or as a means of bullying, and
- 12 c. a strategy for providing counseling or referral to
- 13 appropriate services, including guidance, academic
- 14 intervention, and other protection for students, both
- 15 targets and perpetrators, and family members affected
- 16 by bullying, as necessary;

17 ~~13.~~ 14. Establish a procedure for:

- 18 a. the investigation, determination, and documentation of
- 19 all incidents of bullying reported to school
- 20 officials,
- 21 b. identifying the principal or a designee of the
- 22 principal as the person responsible for investigating
- 23 incidents of bullying,
- 24 c. reporting the number of incidents of bullying, and

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

~~14.~~ 15. Establish a procedure whereby, upon completing an investigation of bullying, a school may recommend that available community mental health care, substance abuse, or other counseling options be provided to the student, if appropriate; and

~~15.~~ 16. Establish a procedure whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other care pursuant to paragraph ~~14~~ 15 of this subsection that indicates an explicit threat to the safety of students or school personnel, provided the disclosure of the information does not violate the requirements and provisions 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 the Oklahoma Statutes, or any other state or federal laws regarding the disclosure of confidential information.

B. The policy adopted by a school district board of education for the investigation of reported incidents of bullying or threatening behavior pursuant to this section shall include:

1. A statement, relating to victims of bullying, that the school district prohibits, does not have, and will not adopt, in name or in practice, a zero-tolerance disciplinary policy. For the purposes of this section, "zero-tolerance disciplinary policy" means

1 a policy or practice of discipline that results in an automatic
2 disciplinary consequence such as suspension or expulsion for any
3 student who commits one or more acts of school violence or violent
4 behavior even if school district administrators have some discretion
5 to modify the consequence on a case-by-case basis; and

6 2. A statement relating to students who engage in self-defense,
7 pursuant to paragraph 9 of subsection A of this section, that the
8 school district administration, when determining the disciplinary
9 action for the student who has committed an act of school violence
10 or exhibited violent behavior, will take into account if such act
11 was committed in self-defense as an immediate response to an act of
12 school violence or violent behavior committed by another student.

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

23 ~~C.~~ D. The teacher of a child attending a public school shall
24 have the same right as a parent or guardian to control and

1 discipline such child according to district policies during the time
2 the child is in attendance or in transit to or from the school or
3 any other school function authorized by the school district or
4 classroom presided over by the teacher.

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

15 ~~E.~~ F. The board of education of each school district in this
16 state shall have the option of adopting a dress code for students
17 enrolled in the school district. The board of education of a school
18 district shall also have the option of adopting a dress code which
19 includes school uniforms.

20 ~~F.~~ G. The board of education of each school district in this
21 state shall have the option of adopting a procedure that requires
22 students to perform campus-site service for violating the district's
23 policy.

24 ~~G.~~ H. The State Board of Education shall:

1 1. Promulgate rules for periodically monitoring school
2 districts for compliance with this section and providing sanctions
3 for noncompliance with this section;

4 2. Establish and maintain a central repository for the
5 collection of information regarding documented and verified
6 incidents of bullying; and

7 3. Publish a report annually on the State Department of
8 Education website regarding the number of documented and verified
9 incidents of bullying in the public schools in the state.

10 SECTION 2. This act shall become effective July 1, 2025.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health, or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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