

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 Part, shall have the following meaning:

(1) **"Harassment, Intimidation, and Bullying"** means any gesture, written or verbal expression, electronic communication, or physical act that a reasonable person should know will:

(A) Harm another student;

(B) 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.

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.

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

(3) **"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.

(4) **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 include and/or establish the following:

(1) Specifically prohibit threatening behavior, harassment, intimidation, and bullying by students at school and by electronic communication. 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) Address prevention of and education about threatening behavior, harassment, intimidation, and bullying.

(3) A procedure for the investigation 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.

(4) A procedure which provides, upon the completion of an investigation, that a school may recommend that available community mental health care options be provide to the student, if appropriate.

(A) 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.

(5) A procedure whereby a school may request the disclosure of any information concerning students who have received mental health care pursuant to sub-section (4) of this rule that indicates an explicit threat to the safety of students or school personnel provided, the disclosure of 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) 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.

(e) 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.

(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 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 State Department of Education shall conduct a 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 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) of this rule 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.

(h) 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.