



# **Oklahoma Compilation of School Discipline Laws and Regulations**

Prepared: March 31, 2023

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2023. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

*Prepared by:*



**National Center on Safe Supportive  
Learning Environments**

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# ***Codes of Conduct***

## **Authority to Develop and Establish Codes of Conduct**

### **LAWS**

#### **§24-100.4. Control and discipline of child.**

A. Each 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 conduct to which students are expected to conform. [...]

B. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies 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 its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.

#### **§24-101.3. Out-of-school suspensions - Right to appeal.**

A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.

### **REGULATIONS**

#### **210:10-1-20. Implementation of policies prohibiting 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 bullying. [...]

(e) Policy Development. 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.



## Scope

### LAWS

#### **§24-100.3. Purpose and definitions.**

A. As used in the School Safety and Bullying Prevention Act:

1. "Bullying" means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group and is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student;
2. "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events;
3. "Electronic communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer; and
4. "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.

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

#### **§24-100.4. Control and discipline of child.**

A. Each 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 conduct to which students are expected to conform. The policy shall:

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

### REGULATIONS

#### **210:10-1-20. Implementation of policies prohibiting bullying.**

(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meaning:

- (2) "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events. [...]

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for 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 meet all of the following requirements:

- (1) The policy shall specifically prohibit all bullying at school. The prohibition against bullying at school shall include all use of electronic communication that is specifically directed at students or school personnel and is used to perpetuate incidents at school which meet the definition of bullying set forth (b) of this Section.

# Communication of Policy

## LAWS

### **§24-100.4. Control and discipline of child.**

A. Each 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 conduct to which students are expected to conform. The policy shall:

4. Contain a statement of how the policy is to be publicized including a requirement that:
  - a. an annual written notice of the policy be provided to parents, guardians, staff, volunteers and students, with age-appropriate language for students,
  - b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,
  - c. the policy be posted on the Internet website for the school district and each school site that has an Internet website, and
  - d. the policy be included in all student and employee handbooks.

### **§24-102. Pupils - Dangerous weapons - Dangerous substances.**

Pupils shall not have any reasonable expectation of privacy towards school administrators or teachers in the contents of a school locker, desk, or other school property. School personnel shall have access to school lockers, desks, and other school property in order to properly supervise the welfare of pupils. School lockers, desks, and other areas of school facilities may be opened and examined by school officials at any time and no reason shall be necessary for such search. Schools shall inform pupils in the student discipline code that they have no reasonable expectation of privacy rights towards school officials in school lockers, desks, or other school property.

### **§1190. Prohibition against hazing - Presumption - Penalty - Definition.**

C. A copy of the policy or the rules and regulations of the public or private school or institution of higher education which prohibits hazing shall be given to each student enrolled in the school or institution and shall be deemed to be part of the bylaws of all organizations operating at the public school or the institution of higher education.

## REGULATIONS

### **210:10-1-20. Implementation of policies prohibiting bullying.**

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for 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 meet all of the following requirements:

- (3) The policy shall contain procedures for publicizing the bullying policy that meet all of the following requirements:
  - (A) An annual written notice of the bullying policy, written in age-appropriate language, shall be provided to parents, guardians, staff, volunteers, and students at each school;

(B) A written notice of the school bullying policy shall be posted at various locations within each school site, including, but not limited to cafeterias, school bulletin boards, classrooms, and administration offices. The notice shall be written in age-appropriate language that is understandable and accessible by all students in the school in which the notice is distributed;

(C) The bullying policy shall be posted on the internet websites of the school district and each school site in the district which has its own website; and

(D) The bullying policy shall be included in all student and employee handbooks.

**210:35-3-69. Climate.**

(a) The school climate shall be conducive to learning.

(b) The school staff shall assess its climate, share the results of the assessment with the staff, and have a plan for maintaining an atmosphere that is responsive to the needs of the students.

(c) There shall be activities within the school that provide for and/or facilitate the positive self-esteem of students and staff members.

(d) The school shall provide appropriate opportunities for involving students, parents, staff members, and community representatives in decision-making. [Reference: 70:5-117.4; SL Section 68.1 Adoption of Four-Year Improvement Plan by Board of Education]

(e) The school shall assist parents in developing those skills and attitudes necessary for helping their children succeed in school.

(f) The school shall provide a handbook for students, parents, and teachers which includes information on such matters as homework policies, behavior codes, grading policies, and other kinds of information important to students, parents, guardians, and staff members. The behavior code shall be developed with the appropriate involvement of students, staff, and parents.

(g) The school shall provide organizations, activities, and leadership groups that offer opportunities for recognition of student accomplishments.

(h) Parents shall receive regular and frequent communication from the school. Other members of the community shall be kept informed about school activities.

# ***In-School Discipline***

## **Discipline Frameworks**

### **LAWS**

#### **24-100.4. Control and discipline of child.**

- A. Each 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 conduct to which students are expected to conform. The policy shall:
1. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;
  2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;
  3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal;
  4. Contain a statement of how the policy is to be publicized including a requirement that:
    - a. an annual written notice of the policy be provided to parents, guardians, staff, volunteers and students, with age-appropriate language for students,
    - b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,
    - c. the policy be posted on the Internet website for the school district and each school site that has an Internet website, and
    - d. the policy be included in all student and employee handbooks;
  5. Require that appropriate school district personnel involved in investigating reports of bullying make a determination regarding whether the conduct is actually occurring;
  6. Contain a procedure for providing timely notification to the parents or guardians of a victim of documented and verified bullying and to the parents or guardians of the perpetrator of the documented and verified bullying;
  7. Identify by job title the school official responsible for enforcing the policy;
  8. Contain procedures for reporting to law enforcement all documented and verified acts of bullying which may constitute criminal activity or reasonably have the potential to endanger school safety;
  9. Require annual training for administrators and school employees as developed and provided by the State Department of Education in preventing, identifying, responding to and reporting incidents of bullying;
  10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;
  11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;
  12. Address prevention by providing:
    - a. consequences and remedial action for a person who commits an act of bullying,

- b. consequences and remedial action for a student found to have falsely accused another as a means of retaliation, reprisal or as a means of bullying, and
- c. a strategy for providing counseling or referral to appropriate services, including guidance, academic intervention, and other protection for students, both targets and perpetrators, and family members affected by bullying, as necessary;

13. Establish a procedure for:

- a. the investigation, determination and documentation of all incidents of bullying reported to school officials,
- b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
- 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. 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. 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 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. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies 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 its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.

C. 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 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.

D. 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.

E. 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.

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

G. The State Board of Education shall:

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

2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of bullying; and
3. Publish a report annually on the State Department of Education website regarding the number of documented and verified incidents of bullying in the public schools in the state.

## **REGULATIONS**

No relevant regulations found.

## **Teacher Authority to Remove Students From Classrooms**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Alternatives to Suspension**

### **LAWS**

#### **§24-101.3. Out-of-school suspensions - Right to appeal.**

A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.

### **REGULATIONS**

#### **210:10-1-20. Implementation of policies prohibiting bullying.**

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for 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 meet all of the following requirements:

- (10) The policy shall address prevention of bullying by providing procedures at each school that contain:
  - (A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:
    - (i) Verbal or written warnings;
    - (ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;
    - (iii) Detention;
    - (iv) Loss of school privileges;

- (v) Course and/or teacher reassignment;
  - (vi) Prohibition or suspension of participation in school activities;
  - (vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;
  - (viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;
  - (ix) Restitution of a victim's property that has been damaged as a result of a documented and verified bullying incident;
  - (x) Reassignment, suspension, and/or termination of school employment;
  - (xi) Referral to law enforcement;
- (B) Consequences and remedial action for a student found to have falsely accused another student of bullying as a means of retaliation, reprisal, or means of bullying that is appropriate to the age of the perpetrator and severity of the incident, provided that such consequences shall not be implemented or enforced in such a way as to deter credible reports of bullying incidents; and
- (C) A strategy for providing appropriate services as necessary for students who are targets of bullying; family members affected by bullying; and perpetrators of bullying. Such services and support may be provided by the school directly or through referrals to other providers and may include, but are not limited to one or more of the following:
- (i) Counseling;
  - (ii) Academic intervention;
  - (iii) Protection for students who are targets of bullying; and
  - (iv) Any other appropriate services as necessary to:
    - (I) Ensure the safety of all students involved in incidents of bullying; and
    - (II) Prevent further incidents of bullying.

# ***Conditions on Use of Certain Forms of Discipline***

## **Corporal Punishment**

### **LAWS**

#### **§6-113.1. Effective classroom discipline techniques.**

The State Department of Education shall provide each local board of education materials dealing with effective classroom discipline techniques as an alternative to the use of corporal punishment.

#### **§24-100.4. Control and discipline of child.**

D. 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.

#### **§155. Exemptions from liability.**

The state or a political subdivision shall not be liable if a loss or claim results from:

35. The use of necessary and reasonable force by a school district employee to control and discipline a student during the time the student is in attendance or in transit to and from the school, or any other function authorized by the school district.

#### **§844. Ordinary force as means of discipline not prohibited.**

Provided, however, that nothing contained in this Act shall prohibit any parent, teacher or other person from using ordinary force as a means of discipline, including but not limited to spanking, switching or paddling.

### **REGULATIONS**

#### **210:15-13-9. Guidelines for minimizing seclusion and restraint of students.**

(a) Definitions. The following terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

(3) "Corporal punishment" means, as defined in 70 O.S. § 13-116, the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. [...]

(d) Corporal punishment of students with disabilities not authorized. For all students, the State Department of Education strongly encourages Oklahoma schools to implement disciplinary policies and practices that use evidence based, developmentally appropriate methods informed by an awareness that many students have endured Adverse Childhood Experiences (ACEs) and related trauma. As applied to students with disabilities entitled to special education services under the Individuals with Disabilities Education Act (IDEA), the use of corporal punishment by employees or agents of an Oklahoma public school is prohibited beginning in the 2020-2021 school year.

(e) Incident reporting. Each incident of seclusion, restraint, or corporal punishment of a student with disabilities shall be reported immediately to a school site administrator and documented using the



statewide online IEP reporting system. A copy of the documentation shall be placed in the student's file and provided to the student's parent(s) or guardian(s). For each incident of seclusion, restraint, or corporal punishment of a student, the student's parent(s) or guardian(s) shall be notified as soon as possible, and must be notified no later than the school day following the incident or within twenty-four (24) hours of the incident, whichever is first. An IEP meeting may be needed to review or implement a Behavior Intervention Plan (BIP) for the student.

(f) End-of-year reporting. At the end of each school year, and no later than June 30th, each school district or charter school shall report to the State Department of Education (OSDE) Office of Special Education Services information regarding all incidents of seclusion, restraint, or corporal punishment of a student with disabilities within the district during the school year that just closed. The end-of-year summary report shall include the total number of each type of incident, as well as the number and type of incidents associated with each student to whom seclusion, physical restraint, or corporal punishment was applied. This information will be used to identify districts in need of additional support, training, and guidance in the areas of conflict de-escalation, crisis intervention, Functional Behavior Assessments, the possible effects of seclusion and restraint, and effective behavior intervention planning.

## **Search and Seizure**

### **LAWS**

#### **§24-102. Pupils - Dangerous weapons - Dangerous substances.**

The superintendent, principal, teacher, or security personnel of any public school in the State of Oklahoma, upon reasonable suspicion, shall have the authority to detain and search or authorize the search, of any pupil or property in the possession of the pupil when said pupil is on any school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school, for dangerous weapons, controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, intoxicating beverages, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or for missing or stolen property if said property be reasonably suspected to have been taken from a pupil, a school employee or the school during school activities. The search shall be conducted by a person of the same sex as the person being searched and shall be witnessed by at least one other authorized person, said person to be of the same sex if practicable.

The extent of any search conducted pursuant to this section shall be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. In no event shall a strip search of a student be allowed. No student's clothing, except cold weather outerwear, shall be removed prior to or during the conduct of any warrantless search.

The superintendent, principal, teacher, or security personnel searching or authorizing the search shall have authority to detain the pupil to be searched and to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property that might be in the pupil's possession including the authority to authorize any other persons they deem necessary to restrain such pupil or to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property. Students found to be in possession of such an item shall be subject to the provisions of Section 24-101.3 of this title.

Pupils shall not have any reasonable expectation of privacy towards school administrators or teachers in the contents of a school locker, desk, or other school property. School personnel shall have access to school lockers, desks, and other school property in order to properly supervise the welfare of pupils. School lockers, desks, and other areas of school facilities may be opened and examined by school officials at any time and no reason shall be necessary for such search. Schools shall inform pupils in the

student discipline code that they have no reasonable expectation of privacy rights towards school officials in school lockers, desks, or other school property.

## **REGULATIONS**

No relevant regulations found.

## **Restraint and Seclusion**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **210:15-13-9. Guidelines for minimizing seclusion and restraint of students.**

(a) Definitions. The following terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

(1) "Behavior Intervention Plan (BIP)" means a plan that is based on the results of a functional behavioral assessment (FBA) and, at a minimum, includes a description of the problem behavior, global and specific hypotheses as to why the problem behavior occurs, and intervention strategies that include positive behavioral supports and services to address the behavior.

(2) "Chemical restraint" means a drug or medication used on a student to control behavior or restrict freedom of movement, when such substance is not administered as prescribed to the student by a licensed physician or other qualified health professional acting under the scope of their professional authority.

(3) "Corporal punishment" means, as defined in 70 O.S. § 13-116, the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline.

(4) "Functional Behavioral Assessment (FBA)" means a process that uses direct and indirect data collection to determine why a student engages in behaviors that impede learning, and how the student's behavior relates to the environment. The FBA includes, but is not limited to: the identification of the problem behavior, the definition of the behavior in concrete terms, the identification of the contextual factors that contribute to the behavior, and the formulation of a hypothesis regarding the general conditions under which a behavior usually occurs and probable consequences that serve to maintain it.

(5) "Mechanical restraint" means the use of any device or equipment to restrict a student's freedom of movement. This term does not include motor vehicle safety restraints or devices utilized by a student, or appropriately trained school personnel, which are used as prescribed by a medical or related services professional for specific approved purposes such as: mechanical supports used to achieve proper body position or allow greater freedom of mobility, restraints for medical immobilization, or orthopedically prescribed devices.

(6) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of directing a student to move to a safe location if they are in distress or acting out.

(7) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head freely. Physical restraint does not include an appropriately applied temporary physical escort.

(8) "Prone restraint" means a prohibited type of physical restraint that positions a student face down on their stomach, potentially restricting the student's ability to breathe freely.

(9) "Seclusion" means the involuntary confinement of a student alone in a room or area which the student is physically prevented from leaving. Seclusion does not include short-term monitored separation in a monitored and non-locked timeout setting.

(10) "Seclusion room" means a room or other confined area in which a student is involuntarily placed in isolation from other persons and which the student is physically prevented from leaving.

(11) "Timeout" means a technique that is part of an approved behavior management program and involves the monitored separation of the student in a non-locked setting for the purpose of calming.

(b) Student seclusion. Seclusion should never be used for the purposes of discipline, punishment, forcing compliance, or as a convenience to staff. Seclusion may only be used under emergency circumstances as outlined below.

(1) Circumstances under which seclusion of a student is authorized. A student may be placed in seclusion only if:

(A) The student's actions pose an imminent danger of serious physical harm to the student or other individuals, and not merely a threat to property;

(B) Positive behavior intervention strategies and less restrictive measures appropriate to the behavior exhibited by the student are currently being implemented, but have not effectively de-escalated the threat of danger or harm;

(C) School personnel are present who have completed appropriate training that addresses conflict de-escalation, the crisis cycle and associated interventions, appropriate use of seclusion rooms, and possible effects of seclusion; and

(D) The seclusion only lasts as long as necessary to resolve the threat of danger or harm.

(2) Conditions required during an authorized use of seclusion. If a student is placed in seclusion during an emergency situation that meets the criteria of (b)(1) above, the following precautions must be exercised throughout the time the student is in seclusion:

(A) The student must be continuously monitored visually and aurally by an appropriately trained school employee;

(B) The student must be allowed to go to the restroom upon request;

(C) The student must be permitted to drink water upon request; and

(D) Immediate action must be taken if the student displays any signs of medical distress.

(3) Requirements for seclusion rooms. A room or area where a student is placed in seclusion must meet the following criteria:

(A) Continuous visual and aural monitoring of a secluded student is possible;

(B) There must be adequate space for the student to sit or lie down;

(C) There must be adequate lighting;

(D) The room must be equipped with heating, cooling, and ventilation systems comparable to such systems in the rest of the building where the seclusion room or area is located;

(E) The room or area used for seclusion must be free of any objects that pose a potential risk of harm to a student with disabilities or a student in distress; and

(F) If equipped with a door that locks, the lock must automatically disengage in case of an emergency such as a fire or severe weather.

(c) Student restraint. Chemical restraint and/or mechanical restraint of a student is prohibited in Oklahoma public schools. Physical restraint of a student should never be used for the purposes of discipline, punishment, forcing compliance, or as a convenience to staff. In cases where a student has a history of dangerous behavior for which physical restraint was used or considered, the school should have a plan in place for teaching and supporting more appropriate behavior and determining positive methods to prevent behavioral escalations that have previously resulted in the use or consideration of restraint. Physical restraint may only be used under emergency circumstances as outlined below.

(1) Circumstances under which physical restraint of a student is authorized. A student may be physically restrained only if:

(A) The student's actions pose an imminent danger of serious physical harm to the student or other individuals, and not merely a threat to property;

(B) Positive behavior intervention strategies and less restrictive measures appropriate to the behavior exhibited by the student are currently being implemented, but have not effectively de-escalated the threat of danger or harm;

(C) The physical restraint is applied by school personnel who have completed appropriate training that addresses conflict de-escalation, the crisis cycle and associated interventions, CPR and First Aid (including certifications), possible effects of physical restraint, and monitoring the wellbeing of a restrained student; and

(D) The physical restraint lasts only as long as necessary to resolve the threat of danger or harm.

(2) Conditions required during an authorized use of physical restraint. If a student is placed in physical restraint during an emergency situation that meets the criteria of (c)(1) above, the following precautions must be exercised throughout the time the student is restrained:

(A) Under no circumstances may a student be restrained using a prone (facedown) restraint, any restraint that prevents the student from breathing or speaking, or any maneuver that places pressure or weight on the chest, sternum, lungs, diaphragm, neck, throat, or back;

(B) The degree of restriction of the student's freedom of movement may not exceed what is necessary to protect the student or other individuals from the threat of serious physical harm; and

(C) The restraint of the student is continuously witnessed by at least one school employee who is not involved in the physical restraint.

(d) Corporal punishment of students with disabilities not authorized. For all students, the State Department of Education strongly encourages Oklahoma schools to implement disciplinary policies and practices that use evidence based, developmentally appropriate methods informed by an awareness that many students have endured Adverse Childhood Experiences (ACEs) and related trauma. As applied to students with disabilities entitled to special education services under the Individuals with Disabilities Education Act (IDEA), the use of corporal punishment by employees or agents of an Oklahoma public school is prohibited beginning in the 2020-2021 school year.

(e) Incident reporting. Each incident of seclusion, restraint, or corporal punishment of a student with disabilities shall be reported immediately to a school site administrator and documented using the statewide online IEP reporting system. A copy of the documentation shall be placed in the student's file and provided to the student's parent(s) or guardian(s). For each incident of seclusion, restraint, or corporal punishment of a student, the student's parent(s) or guardian(s) shall be notified as soon as possible, and must be notified no later than the school day following the incident or within twenty-four (24) hours of the incident, whichever is first. An IEP meeting may be needed to review or implement a Behavior Intervention Plan (BIP) for the student.

(f) End-of-year reporting. At the end of each school year, and no later than June 30th, each school district or charter school shall report to the State Department of Education (OSDE) Office of Special Education Services information regarding all incidents of seclusion, restraint, or corporal punishment of a student with disabilities within the district during the school year that just closed. The end-of-year summary report shall include the total number of each type of incident, as well as the number and type of incidents associated with each student to whom seclusion, physical restraint, or corporal punishment was applied.

This information will be used to identify districts in need of additional support, training, and guidance in the areas of conflict de-escalation, crisis intervention, Functional Behavior Assessments, the possible effects of seclusion and restraint, and effective behavior intervention planning.

# ***Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement***

## **Grounds for Suspension or Expulsion**

### **LAWS**

#### **§24-101.3. Out-of-school suspensions - Right to appeal.**

A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.

### **REGULATIONS**

#### **210:10-1-20. Implementation of policies prohibiting bullying.**

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for 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 meet all of the following requirements:

- (10) The policy shall address prevention of bullying by providing procedures at each school that contain:
  - (A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:
    - (i) Verbal or written warnings;
    - (ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;
    - (iii) Detention;
    - (iv) Loss of school privileges;
    - (v) Course and/or teacher reassignment;
    - (vi) Prohibition or suspension of participation in school activities;
    - (vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;
    - (viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;
    - (ix) Restitution of a victim's property that has been damaged as a result of a documented and verified bullying incident;

- (x) Reassignment, suspension, and/or termination of school employment;
- (xi) Referral to law enforcement;
- (B) Consequences and remedial action for a student found to have falsely accused another student of bullying as a means of retaliation, reprisal, or means of bullying that is appropriate to the age of the perpetrator and severity of the incident, provided that such consequences shall not be implemented or enforced in such a way as to deter credible reports of bullying incidents; and
- (C) A strategy for providing appropriate services as necessary for students who are targets of bullying; family members affected by bullying; and perpetrators of bullying. Such services and support may be provided by the school directly or through referrals to other providers and may include, but are not limited to one or more of the following:
  - (i) Counseling;
  - (ii) Academic intervention;
  - (iii) Protection for students who are targets of bullying; and
  - (iv) Any other appropriate services as necessary to:
    - (I) Ensure the safety of all students involved in incidents of bullying; and
    - (II) Prevent further incidents of bullying.

## **Limitations or Conditions on Exclusionary Discipline**

### **LAWS**

#### **§24-101.3. Out-of-school suspensions - Right to appeal.**

C.2. Any student found in possession of a firearm while on any public school property or while in any school bus or other vehicle used by a public school for transportation of students or teachers shall be suspended out-of-school for a period of not less than one (1) year, to be determined by the district board of education pursuant to the provisions of this section. The term of the suspension may be modified by the district superintendent on a case-by-case basis. For purposes of this paragraph the term "firearm" shall mean and include all weapons as defined by 18 U.S.C., Section 921.

### **REGULATIONS**

No relevant regulations found.

## **Due Process**

### **LAWS**

#### **§24-101.3. Out-of-school suspensions - Right to appeal.**

A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for

students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.

B.1. Students suspended out-of-school for ten (10) or fewer days shall have the right to appeal the decision of the administration as provided in the policy required in subsection A of this section. The policy shall specify whether appeals for short-term suspensions as provided in this subsection shall be to a local committee composed of district administrators or teachers or both, or to the district board of education. Upon full investigation of the matter, the committee or board shall determine the guilt or innocence of the student and the reasonableness of the term of the out-of-school suspension. If the policy requires appeals for short-term suspensions to a committee, the policy adopted by the board may, but is not required to, provide for appeal of the committee's decision to the board.

2. Students suspended out-of-school for more than ten (10) days and students suspended pursuant to the provisions of paragraph 2 of subsection C of this section may request a review of the suspension with the administration of the district. If the administration does not withdraw the suspension, the student shall have the right to appeal the decision of the administration to the district board of education. Except as otherwise provided for in paragraph 2 of subsection C of this section, no out-of-school suspension shall extend beyond the current semester and the succeeding semester. Upon full investigation of the matter, the board shall determine the guilt or innocence of the student and the reasonableness of the term of the out-of-school suspension. A board of education may conduct the hearing and render the final decision or may appoint a hearing officer to conduct the hearing and render the final decision. The decision of the district board of education or the hearing officer, if applicable, shall be final.

#### **§5-118. Meetings of boards of education of school districts.**

Regular meetings of the board of education of each school district shall be held upon the first Monday of each month, or upon such day as may be fixed by the board. Special meetings may be held from time to time as circumstances may demand.

All meetings of the boards of education shall be public meetings, and in all such meetings the vote of each member must be publicly cast and recorded. Executive sessions will be permitted only for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignations of any or all of the employees or volunteers of the school district, and for the purpose of discussing negotiations concerning employees and representatives of employee groups, and for the purpose of hearing evidence and discussing the expulsion or suspension of a student or students only when requested by the student involved or his or her parent, attorney, or legal guardian; provided, however, that any vote or action thereon must be taken in a public meeting with the vote of each member publicly cast and recorded. It is required that the board of education shall provide notice to the student, his or her parent, attorney or legal guardian that said student is entitled to an executive session regarding the discussion of expulsion or suspension of said student.

#### **REGULATIONS**

No relevant regulations found.

### **Return to School Following Removal**

#### **LAWS**

##### **§24-101.3. Out-of-school suspensions - Right to appeal.**

D. At its discretion a school district may provide an education plan for students suspended out-of-school for five (5) or fewer days pursuant to the provisions of this subsection. The following provisions shall apply

to students who are suspended out-of-school for more than five (5) days and who are guilty of acts listed in subparagraphs a and b of paragraph 1 of subsection C of this section. Upon the out-of-school suspension, the parent or guardian of a student suspended out-of-school pursuant to the provisions of this subsection shall be responsible for the provision of a supervised, structured environment in which the parent or guardian shall place the student and bear responsibility for monitoring the student's educational progress until the student is readmitted into school. The school administration shall provide the student with an education plan designed for the eventual reintegration of the student into school which provides only for the core units in which the student is enrolled. A copy of the education plan shall also be provided to the student's parent or guardian. For the purposes of this section, the core units shall consist of the minimum English, mathematics, science, social studies and art units required by the State Board of Education for grade completion in grades kindergarten through eight and for high school graduation in grades nine through twelve. The plan shall set out the procedure for education and shall address academic credit for work satisfactorily completed. [...]

H. A student who has been suspended for a violent offense which is directed towards a classroom teacher shall not be allowed to return to that teacher's classroom without the approval of that teacher.

## **REGULATIONS**

No relevant regulations found.

## **Alternative Placements**

### **LAWS**

#### **§24-100.6. Separation of victim and offender.**

A. Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.

B. Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, within thirty (30) days of the time of the adjudication or withholding of adjudication of any juvenile offender for any offense subject to the Juvenile Sex Offender Registration Act, either the juvenile bureau in counties which have juvenile bureaus or the Office of Juvenile Affairs in all other counties shall notify the superintendent of the school district in which the juvenile offender is enrolled or intends to enroll of the adjudication and the offense for which the child was adjudicated. Upon receipt of such notice, the school district shall notify the victim and parent or guardian of the victim of their right to request to be separated from the offender at school and during school transportation. If the victim requests to be separated from the offender, the school district shall take appropriate action to effectuate the provisions of subsection C of this section. The decision of the victim shall be final and not reversible.

C. Any offender described in subsection B of this section shall, upon the request of the victim, not attend any school attended by the victim or a sibling of the victim or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the school district to attend another school within the district in which the offender resides, provided the other school is not attended by the victim or sibling of the victim. If the offender is unable to attend another school in the district in which the offender resides, the offender shall transfer to another school district pursuant to the provisions of the Education Open Transfer Act.

D. The offender or the parents of the offender, if the offender is a juvenile, shall be responsible for arranging and paying for transportation and any other cost associated with or required for the offender to attend another school or that is required as a consequence of the prohibition against attending a school



or riding on a school bus on which the victim or a sibling of the victim is attending or riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the school district.

**§24-101.3. Out-of-school suspensions - Right to appeal.**

A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention. The policy shall address education for students subject to the provisions of subsection D of this section and whether participation in extracurricular activities shall be permitted.

**§1210.568. Statewide system of alternative education programs rules and regulations.**

A.1. Beginning with the first semester of the 1996-1997 school year, the State Board of Education shall implement a statewide system of alternative education programs which shall be phased-in within seven (7) years. The statewide system shall include but not be limited to Alternative Approaches grant programs, funded pursuant to Section 1210.561 of this title, and alternative academies or alternative programs implemented pursuant to this section.

2. Beginning with the first semester of the 2020-2021 school year, the State Board of Education shall implement a statewide system of alternative education. The statewide system shall include alternative education programs implemented pursuant to this section.

B. All school districts of this state serving students in grades seven through twelve shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. A program shall:

1. Allow class sizes and student/teacher ratios which are conducive to effective learning for at-risk students;
2. Incorporate appropriate structure, curriculum, and interaction and reinforcement strategies designed to provide effective instruction;
3. Include an intake and screening process to determine eligibility of students;
4. Demonstrate that teaching faculty are appropriately certified teachers;
5. Demonstrate that teaching faculty have been selected on the basis of a record of successful work with at-risk students or personal and educational factors that qualify them for work with at-risk students;
6. Reflect appropriate collaborative efforts with state agencies and local agencies serving youth;
7. Provide courses that meet the academic curricula standards adopted by the State Board of Education and additional remedial courses;
8. Offer individualized instruction;
9. State clear and measurable program goals and objectives;
10. Include counseling and social services components;
11. Require a plan leading to graduation be developed for each student in the program which will allow the student to participate in graduation exercises at the sending school or district after meeting the requirements of the school district as specified in the individual graduation plan for that student; provided, the graduation plan required by this paragraph shall not be separate from the plan required by Section 1210.508-4 of this title;
12. Offer life skills instruction;

13. Provide opportunities for hands-on arts education to students, including artist residency programs coordinated with the Oklahoma Arts Council;

14. Provide a proposed annual budget;

15. Be appropriately designed to serve middle school, junior high school and high school students in grades seven through twelve who are most at risk of not completing a high school education for a reason other than that identified in Section 13-101 of this title; and

16. Allow students in the alternative education program, who otherwise meet all of the participation requirements, to participate in vocational programs and extracurricular activities at the sending school or district, including but not limited to athletics, band, and clubs.

C. The alternative education program of a school district shall be operational and serving students by September 1 of each school year.

D.1. Each alternative education program of a school district shall receive funding based on the average daily membership (ADM) of students served by an alternative education program in the prior school year according to the annual statistical report conducted by the State Department of Education. The per-student funding amount shall be based on the funding available for the program each fiscal year.

2. Of the funding available for alternative education programs each fiscal year, the State Department of Education shall designate up to fifteen percent (15%) for districts participating in cooperative agreements for alternative education services, which shall be allocated on a pro rata basis as an incentive to each participating district. The incentive amount received by each district for participating in a cooperative agreement shall not exceed Six Thousand Dollars (\$6,000.00) per fiscal year and shall be in addition to the per-student funding amount required by paragraph 1 of this subsection. Any funds remaining after allocations required by this paragraph are made shall be distributed to districts in accordance with paragraph 1 of this subsection.

3. Statewide alternative education funding shall not be used to supplant existing school district resources or to support programs that do not meet all the criteria for the statewide alternative education system.

E. All statewide alternative education funds received and expended for students participating in an alternative education program shall be reported to the State Department of Education by major object codes and by program classifications pursuant to the Oklahoma Cost Accounting System as adopted by the State Board of Education pursuant to Section 5-135 of this title.

F. Elementary school districts, as defined in Section 5-103 of this title, may request a waiver by May 15 of each year from the State Board of Education from the requirements of this section to implement and provide an alternative education program. Any request for a waiver shall be accompanied by an assurance that the school district does not have students in need of alternative education services. If a school district is granted a waiver, no statewide alternative education funding shall be allocated to the district.

G.1. The State Board of Education shall:

- a. provide initial and ongoing training of personnel who will educate at-risk populations through alternative education programs,
- b. provide technical assistance to school districts to enhance the probability of success of their alternative education programs,
- c. evaluate state-funded alternative education programs,
- d. report the evaluation results of state-funded alternative education programs, and
- e. provide in-depth program analysis and evaluation of state-funded alternative education programs.

2. The State Board of Education may create an evaluation schedule for effective and highly effective programs, requiring them to be evaluated not less than once every three (3) years.

3. The State Board of Education may contract with a technical assistance provider in order to meet the requirements of this subsection.

4. The State Board of Education shall have the authority to suspend funds for an alternative education program that does not meet the requirements of subsection B of this section. Provided, any school district under consideration for suspension of funds may request a hearing before the Board with a review of the evaluation prior to the Board's final determination.

H. All alternative education programs shall be subject to statutes and rules applicable to alternative education, including any exemptions from statutory or regulatory requirements authorized by statutes or rule.

I. An alternative education program may be offered by an individual school district or may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of this title. Any school district submitting a plan for an alternative education program serving fewer than ten students shall enter into a cooperative agreement with another school district to jointly provide the program unless the program has been granted a waiver from this requirement by the State Board of Education. A school district participating in a cooperative agreement shall be required to send its alternative education funding allocation to the cooperative.

J. Any materials or equipment purchased by a school district with revenue received for students participating in an alternative education program shall be used only in or directly for the alternative education program offered by the district or any subsequent alternative education program offered to students enrolled in that district. Such materials and equipment shall be made available exclusively to alternative education students during the hours that the alternative education program is operating; provided, the material or equipment may be used for other purposes when the alternative education program is not operating.

## **REGULATIONS**

### **210:35-29-2. Definitions.**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Alternative Education" means an educational process incorporating appropriate structure, curriculum, interaction, and reinforcement strategies to stimulate learning with students who have not utilized their capacity to do so within traditional educational settings. Alternative education programs must meet all requirements listed at 70 O.S. § 1210.568 and at section 210:35-29-7 of this title.

### **210:35-29-8. Requirements for alternative education programs.**

(a) General requirements. Alternative education is an educational process incorporating appropriate structure, curriculum, interaction, and reinforcement strategies to stimulate learning with students who are at risk of failing to complete their secondary education for reasons which may include academic deficiency, behavioral difficulties, excessive absences, pregnancy or parenting, family issues, substance abuse, financial issues, physical or mental health issues, state custody, juvenile justice involvement, and/or other such factors, not including disability status. An alternative education program must provide the additional services and supports outlined in statute, and not merely an opportunity for credit recovery.

To qualify as an approved alternative education program, a school district's alternative school or alternative education program must meet all requirements listed at 70 O.S. § 1210.568, including:

- (1) Student-teacher ratios conducive to effective learning for at-risk students;
- (2) Appropriate structure, curriculum, interaction, and reinforcement strategies for effective instruction;
- (3) An intake and screening process to determine eligibility of students;
- (4) Appropriately certified teaching faculty;

- (5) Teaching faculty with experiences or personal traits that qualify them for successful work with at-risk students;
- (6) Collaboration with state and local agencies;
- (7) Courses that meet the curricular standards adopted by the State Board of Education and additional remedial courses;
- (8) Individualized instruction;
- (9) Clear and measurable program goals and objectives;
- (10) Counseling and social service components;
- (11) Graduation plan for each student;
- (12) Life skills instruction;
- (13) Opportunities for arts education;
- (14) A proposed annual budget;
- (15) An evaluation component that includes an annual written self-evaluation;
- (16) Service to students in grades six (6) through twelve (12) who are most at risk of not completing high school for reasons other than disability; and
- (17) Opportunities for student participation in vocational programs and extra-curricular activities such as athletics, band, and clubs.

(b) Submission of alternative education plan. Each school district shall submit and certify an Alternative Education Implementation Plan to the State Department of Education by September 15 of each year. This plan shall outline how the district will meet the criteria listed in subsection (a) to serve its at-risk students. The plan must be submitted and certified by school districts providing their own alternative education programs, as well as districts which offer alternative education through interlocal cooperative arrangements, and districts which have no alternative education program and receive no alternative education funding.

(c) Alternative education waiver available for elementary school districts. For an elementary school district, which does not offer high school grades, the State Board of Education is authorized at 70 O.S. § 1210.568(F) to grant a waiver from the statutory requirement to implement and provide an alternative education program. An elementary school district wishing to request such a waiver must submit an application to the State Department of Education Office of Accreditation no later than May 15 prior to the school year for which the waiver is requested. An elementary school district that has not received any alternative education funding pursuant to 70 O.S. § 1210.568 shall be granted this waiver automatically and need not apply, but an elementary district that has received any amount of alternative education funding must apply for the waiver by May 15 prior to the applicable school year in order to be exempt from implementing an alternative education program.

(d) Deregulation not necessary for conforming alternative education programs. A school district need not apply to the State Board of Education for a deregulation in order to implement an alternative education program that meets all requirements listed in this subchapter and at 70 O.S. § 1210.566 through 70 O.S. § 1210.568.

# ***Discipline Addressing Specific Code of Conduct Violations***

## **Firearms and Other Weapons Violations**

### **LAWS**

#### **§24-101.3. Out-of-school suspensions - Right to appeal.**

C.2. Any student found in possession of a firearm while on any public school property or while in any school bus or other vehicle used by a public school for transportation of students or teachers shall be suspended out-of-school for a period of not less than one (1) year, to be determined by the district board of education pursuant to the provisions of this section. The term of the suspension may be modified by the district superintendent on a case-by-case basis. For purposes of this paragraph the term "firearm" shall mean and include all weapons as defined by 18 U.S.C., Section 921.

#### **§24-102. Pupils - Dangerous weapons - Dangerous substances.**

The superintendent, principal, teacher, or security personnel of any public school in the State of Oklahoma, upon reasonable suspicion, shall have the authority to detain and search or authorize the search, of any pupil or property in the possession of the pupil when said pupil is on any school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school, for dangerous weapons, controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, intoxicating beverages, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or for missing or stolen property if said property be reasonably suspected to have been taken from a pupil, a school employee or the school during school activities. The search shall be conducted by a person of the same sex as the person being searched and shall be witnessed by at least one other authorized person, said person to be of the same sex if practicable.

The extent of any search conducted pursuant to this section shall be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. In no event shall a strip search of a student be allowed. No student's clothing, except cold weather outerwear, shall be removed prior to or during the conduct of any warrantless search.

The superintendent, principal, teacher, or security personnel searching or authorizing the search shall have authority to detain the pupil to be searched and to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property that might be in the pupil's possession including the authority to authorize any other persons they deem necessary to restrain such pupil or to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property. Students found to be in possession of such an item shall be subject to the provisions of Section 24-101.3 of this title.

Pupils shall not have any reasonable expectation of privacy towards school administrators or teachers in the contents of a school locker, desk, or other school property. School personnel shall have access to school lockers, desks, and other school property in order to properly supervise the welfare of pupils. School lockers, desks, and other areas of school facilities may be opened and examined by school officials at any time and no reason shall be necessary for such search. Schools shall inform pupils in the student discipline code that they have no reasonable expectation of privacy rights towards school officials in school lockers, desks, or other school property.

#### **§24-132.1. Duty to report unauthorized firearm and to deliver seized weapon to law enforcement.**

A. Pursuant to the requirements of Section 1271.1 of Title 21 of the Oklahoma Statutes, every school authority shall immediately report the discovery of a firearm not otherwise authorized by law to be possessed to a law enforcement authority and deliver any weapon or firearm, removed or otherwise seized from any minor, to a law enforcement authority for appropriate disposition.

B. Every school authority shall also immediately report to a law enforcement authority the discovery of a firearm upon a student that is not a minor or upon any other person not otherwise authorized by law to possess a firearm on school property pursuant to Section 1280.1 of Title 21 of the Oklahoma Statutes and deliver any weapon or firearm that is removed or seized to a law enforcement authority for disposition pursuant to Section 1271.1 of Title 21 of the Oklahoma Statutes.

**§ 1210.229-2. Findings and intent of legislature.**

It is further the intent of the Legislature to encourage school districts to establish programs concerning the danger and criminal consequences of the possession and/or use of firearms or other dangerous or deadly weapons in school zones.

**REGULATIONS**

No relevant regulations found.

**Students with Chronic Disciplinary Issues**

**LAWS**

No relevant laws found.

**REGULATIONS**

No relevant regulations found.

**Chronic Absenteeism and Truancy**

**LAWS**

**§10-106. Records of attendance of pupil - Report of absence.**

It shall be the duty of the principal or head teacher of each public, private or other school in the State of Oklahoma to keep a full and complete record of the attendance of all children at such school and to notify the attendance officer of the district in which such school is located of the absence of such children from the school together with the causes thereof, if known; and it shall be the duty of any parent, guardian or other person having charge of any child of compulsory attendance age to notify the child's teacher concerning the cause of any absences of such child. It shall be the duty of the principal or head teacher to notify the parent, guardian or responsible person of the absence of the child for any part of the school day, unless the parent, guardian or other responsible person notifies the principal or head teacher of such absence. Such attendance officer and teacher shall be required to report to the school health officer all absences on account of illness with such information respecting the same as may be available by report or investigation; and the attendance officer shall, if justified by the circumstances, promptly give to the parent, guardian or custodian of any child who has not complied with the provisions of this article oral and documented or written warning to the last-known address of such person that the attendance of such child is required at some public, private or other school as herein provided. If within five (5) days after the warning has been received, the parent, guardian or custodian of such child does not comply with the provisions of this article, then such attendance officer shall make complaint against the parent, guardian or custodian of such child in a court of competent jurisdiction for such violation, which violation shall be a misdemeanor. If a child is absent without valid excuse four (4) or more days or parts of days within a four- week period or is absent without valid excuse for ten (10) or more days or parts of days within a semester, the attendance officer shall notify the parent, guardian or custodian of the child and immediately report such absences to the district attorney in the county wherein the school is located for juvenile proceedings pursuant to Title 10A of the Oklahoma Statutes.

**§24-120. Truancy - Reports to Department of Public Welfare - Withholding of assistance payments.**

- A. At the close of each attendance period of the school term, the board of education of each school district shall notify in writing the Department of Human Services of the name of any child who has not been present for instruction at least eighty percent (80%) of the time without valid excuse as defined in Section 10-105 of this title.
- B. Upon the receipt of such information from the school district, the Director of the Department of Human Services is authorized to withhold assistance payments to the payee of such child and to instigate an investigation for the purpose of improving the school attendance of such child. After such investigation, if the attendance record of the child investigated is satisfactory, such withheld payments may be released. In the event the investigation results in a change in custody and care of such child, payments to the payee shall be canceled or shall be made to the person qualified to receive benefits on behalf of the child.
- C. For purposes of the pilot project, the Department of Human Services and the State Board of Education shall establish a procedure to provide for the exchange of information required by this section concerning students subject to the provisions of this section. Any procedure thus established shall, if applicable, comply with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g et seq., and any other applicable federal law.
- D. The district attorney shall file with the Department of Human Services a report identifying any child who has been convicted of truancy within thirty (30) days of such conviction.
- E. Beginning with the 2019-2020 school year, district attorneys shall submit to the Office of Child Abuse Prevention annual reports detailing the instances in which students were convicted of truancy pursuant to the provisions of this section. The reports shall comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

**REGULATIONS**

No relevant regulations found.

**Substance Use**

**LAWS**

**§24-101.3. Out-of-school suspensions - Right to appeal.**

- C.1. Students who are guilty of any of the following acts may be suspended out-of-school by the administration of the school or district:
- a. violation of a school regulation,
  - b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, and
  - c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in out-of-school suspension as provided in paragraph 2 of this subsection.

**§24-102. Pupils - Dangerous weapons - Dangerous substances.**

The superintendent, principal, teacher, or security personnel of any public school in the State of Oklahoma, upon reasonable suspicion, shall have the authority to detain and search or authorize the search, of any pupil or property in the possession of the pupil when said pupil is on any school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school, for dangerous weapons, controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, intoxicating beverages, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or for missing or stolen property if said property be

reasonably suspected to have been taken from a pupil, a school employee or the school during school activities. The search shall be conducted by a person of the same sex as the person being searched and shall be witnessed by at least one other authorized person, said person to be of the same sex if practicable.

The extent of any search conducted pursuant to this section shall be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. In no event shall a strip search of a student be allowed. No student's clothing, except cold weather outerwear, shall be removed prior to or during the conduct of any warrantless search.

The superintendent, principal, teacher, or security personnel searching or authorizing the search shall have authority to detain the pupil to be searched and to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property that might be in the pupil's possession including the authority to authorize any other persons they deem necessary to restrain such pupil or to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, low-point beer, or missing or stolen property. Students found to be in possession of such an item shall be subject to the provisions of Section 24-101.3 of this title.

Pupils shall not have any reasonable expectation of privacy towards school administrators or teachers in the contents of a school locker, desk, or other school property. School personnel shall have access to school lockers, desks, and other school property in order to properly supervise the welfare of pupils. School lockers, desks, and other areas of school facilities may be opened and examined by school officials at any time and no reason shall be necessary for such search. Schools shall inform pupils in the student discipline code that they have no reasonable expectation of privacy rights towards school officials in school lockers, desks, or other school property.

**§24-132. Reporting students under influence of certain prohibited substances - Civil immunity.**

A. Any public school administrator, teacher or counselor having reasonable cause to suspect that a student is under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance as defined in Section 2-101 of Title 63 of the Oklahoma Statutes or has in the student's possession low-point beer, alcoholic beverages or a controlled dangerous substance, who reports such information to the appropriate school official, court personnel, community substance abuse prevention and treatment personnel or any law enforcement agency, pursuant to the school's policy shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

B. Every school authority shall immediately deliver any controlled dangerous substance, removed or otherwise seized from any minor or other person, to a law enforcement authority for appropriate disposition.

**§24-138. Students under the influence of certain prohibited substances - Reporting - Written policy.**

A. Whenever it appears to any public school teacher that a student may be under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance, as defined in Section 2-101 of Title 63 of the Oklahoma Statutes, that teacher shall report the matter, upon recognition, to the school principal or his or her designee. The principal or designee shall immediately notify the superintendent of schools or designee and a parent or legal guardian of the student of the matter.

No officer or employee of any public school district or member of any school board shall be subject to any civil liability for any statement, report, or action taken in assisting or referring for assistance to any medical treatment, social service agency or facility or any substance abuse prevention and treatment program any student reasonably believed to be abusing or incapacitated by the use of low-point beer, alcoholic beverages or a controlled dangerous substance unless such assistance or referral was made in



bad faith or with malicious purpose. No such officer or employee of any public school district, member of any school board, school or school district shall be responsible for any treatment costs incurred by a student as a result of any such assistance or referral to any medical treatment, social service agency or facility, or substance abuse prevention and treatment program.

B. Every school district shall have and deliver to each classroom teacher a written policy that such teachers shall follow if they have a student who appears to be under the influence of low-point beer, alcoholic beverages or a controlled dangerous substance in their classroom. The written policy shall be developed by the local superintendent of schools and adopted by the local board of education. The provisions of subsection A of this section shall be the minimum requirements of such written policy. The written policy shall be filed with the office of the State Superintendent of Public Instruction within ninety (90) days of the effective date of this act. If such filing is not timely made, the public schools in such school district shall lose their accreditation until the written policy is filed.

#### **§1210.212. Definitions.**

As used in the 24/7 Tobacco-free Schools Act:

1. "Chewing tobacco" means any Cavendish, twist, plug, scrap, and any other kinds and forms of tobacco suitable for chewing;
2. "Educational facility" shall mean any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school located in the state. For purposes of this act, a public school district shall not include a technology center school district;
3. "School vehicle" means any transportation equipment or auxiliary transportation equipment as defined in Section 9-104 of Title 70 of the Oklahoma Statutes;
4. "Smoking tobacco" shall mean any granulated, plug cut, crimp cut, ready rubbed, and any other kinds and forms of tobacco suitable for smoking in a pipe or cigarette;
5. "Tobacco product" shall mean any bidis, cigars, cheroots, stogies, smoking tobacco and chewing tobacco, however prepared. Tobacco products shall include any other articles or products made of tobacco or any substitute thereof; and
6. "Vapor product" shall mean noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. "Vapor products" shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. "Vapor products" do not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

#### **§1210.213. Use of tobacco products prohibited in educational facilities, school vehicles, and at school-sponsored events.**

A. The use of a tobacco product or vapor product shall be prohibited in or on an educational facility that offers an early childhood education program or in which children in grades kindergarten through twelve are educated. The use of a tobacco product or vapor product shall also be prohibited in school vehicles, and at any school-sponsored or school-sanctioned event or activity.

B. Nothing in this section shall be construed to prohibit a public school district or private school from having more restrictive policies regarding tobacco products and vapor products in or on an educational facility, in school vehicles and at any school-sponsored or school-sanctioned event or activity.

### **§1210.229-2. Findings and intent of legislature.**

The Legislature finds that for the purpose of preventing drug and alcohol abuse among our young people, and for preventing or alleviating problems which lead to and are closely associated with drug and alcohol abuse, it is desirable that all Oklahoma school districts develop and implement a curriculum for drug and alcohol abuse prevention for all grade levels. Such curriculum may include training in life skills, such as problem-solving, responsibility, communication and decision-making skills, which enable young people to successfully resist social and other pressures to engage in activities which are destructive to their health and future. The Legislature encourages all school districts to adopt as a goal for the year 1990 the full implementation of drug and alcohol abuse prevention programs in their schools. In order to expand and enhance the ability of school districts to implement drug and alcohol prevention programs, it is the intent of the Legislature that local school districts participate in the federal Drug-Free Schools and Communities Act of 1986, 20 A.S.C., Section 4601 et seq. and the provisions of Public Law No. 101-647, Drug-Free School Zones.

In order to derive maximum benefit from their drug and alcohol prevention programs, it is further the intent of the Legislature that the school districts coordinate their efforts and activities with the Oklahoma Drug and Alcohol Abuse Policy Board, and with appropriate state and local drug and alcohol abuse, health and law enforcement agencies and programs within the community which provide drug education, prevention, treatment and rehabilitation.

It is further the intent of the Legislature to encourage school districts to establish programs concerning the danger and criminal consequences of the possession and/or use of firearms or other dangerous or deadly weapons in school zones.

### **§1210.229-3. Definitions.**

For purposes of the Oklahoma Alcohol and Drug Abuse Prevention and Life Skills Education Act, Section 1210.229-1 et seq. of this title:

1. "Alcohol" means any low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes or alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes;
2. "Board" means the State Board of Education;
3. "Department" means the State Department of Education;
4. "Drug" means a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes; and
5. "Life skills" includes but is not limited to fostering skills in responsibility, decision making, communication, self-confidence and goal setting. Life skills shall not include values clarification or sex education.

### **§1210.229-5. Duties of State Superintendent of Public Instruction, State Department of Education, and Oklahoma drug and alcohol abuse policy board - Distribution of information or reports - Final determination of materials and curriculum.**

A. The State Superintendent of Public Instruction and State Department of Education in conjunction with the Oklahoma Drug and Alcohol Abuse Policy Board shall:

1. establish objective criteria, guidelines and a comprehensive integrated curriculum for substance abuse programs and the teaching of life skills in local schools and school districts;
2. establish and review annually model policies for alcohol and drug abuse issues, including but not limited to policies regarding disciplinary actions and referral for services;
3. develop and implement strategies which encourage all schools to employ guidance counselors trained in substance abuse prevention and life skills and to develop and begin implementing quality substance abuse and life skills education programs; and
4. develop guidelines and criteria to encourage teachers and administrators to receive in-service training on alcohol and drug abuse. The training or workshops should be included in the staff

development point system. The training or workshop shall be completed the first year a certified teacher is employed by a school district, and then once every third academic year.

B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

C. Final determination of materials to be used, means of implementation of the curriculum, and ages and times at which students receive instruction about said life skills and drug and alcohol abuse prevention shall be made by the local school board. The local school district, at least one (1) month prior to giving such instruction to students, shall conduct for parents and guardians of students involved, during weekend or evening hours, at least one presentation concerning the plans for instruction and the materials to be used. No student shall be required to receive instruction about said life skills and drug and alcohol abuse prevention if a parent or guardian of the student objects in writing.

## **REGULATIONS**

### **210:15-26-1. Purpose.**

These rules establish the Tobacco Use Prevention and Cessation School program pursuant to House Bill 2019. The purpose of the program is to establish, organize, and administer a program designed to:

- (1) Lower smoking rates among Oklahoma youths;
- (2) Reduce tobacco consumption by Oklahomans; and
- (3) Reduce exposure related to secondhand tobacco smoke.

### **210:15-26-2. Program cornerstones.**

The components of the program shall consist of the following four cornerstones as defined by House Bill 2019:

- (1) Community-based initiatives;
- (2) Voluntary classroom programs in public schools;
- (3) Cessation assistance; and
- (4) Public education media programs.

### **210:15-26-3. Use of funds.**

(a) Grantees shall use grant funds to hire school nurses to:

- (1) Implement comprehensive, evidence-based tobacco use prevention and cessation programs demonstrated to be effective by the United States Centers for Disease Control and Prevention; and
- (2) Perform other duties required by the district.

(b) A school nurse hired to implement the program must be a registered nurse and certified the same as a teacher by the State Department of Education.

### **210:15-26-6. Awarding of grants.**

(a) An application form shall be sent to each school district superintendent that does not employ a full-time school nurse.

- (1) The original application and one (1) copy shall be submitted to the program administrator by the indicated deadline date.
- (2) The signature of the superintendent of the local educational agency shall appear on the application.

(b) Grant applications shall be read, evaluated, and scored by a committee of school nurses employed outside the State Department of Education.

(1) Members of the review committee shall not evaluate an application from his or her own district.

(2) Each application shall be evaluated in the following areas:

(A) Applicants eligibility to apply under the statutory priorities;

(B) Statement of Need;

(C) Specific activities for the implementation of the six (6) components described in the "Guidelines for Implementation of the Tobacco Use Prevention and Cessation School Program;" and

(D) Budget.

(c) After evaluation, the State Superintendent shall recommend to the State Board of Education those applications which have been determined to be eligible for funding.

(d) Each grantee shall:

(1) Utilize training, technical assistance, and materials provided by the State Department of Health to develop, implement, and evaluate the comprehensive evidence-based tobacco use prevention and cessation program approved in the application.

(2) Provide all requested reports.

## **Gang-related Activity**

### **LAWS**

#### **§5-146.1. Reporting suspected gang activity - Immunity from liability.**

A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, who has reason to believe that a child under the age of eighteen (18) years is involved in gang activity shall notify the person designated by the school district. Upon receiving such report, the person designated by the school district may report the matter to the nearest local law enforcement agency. The report may be made by telephone, in writing, personally or by any other method prescribed by the school district.

B. A school district employee or contractor who, in good faith and exercising due care in the making of a report pursuant to subsection A of this section, shall be granted immunity from all civil or criminal liability which might be incurred or imposed by making such report.

### **REGULATIONS**

No relevant regulations found.

## **Bullying, Harassment, or Hazing**

### **LAWS**

#### **§24-100.2. Short title.**

Sections 24-100.2 through 24-100.5 of this title shall be known and may be cited as the "School Safety and Bullying Prevention Act".

#### **§24-100.3. Purpose and definitions.**

A. As used in the School Safety and Bullying Prevention Act:

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

2. "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events;
3. "Electronic communication" means the communication of any written, verbal, pictorial information or video content by means of an electronic device, including, but not limited to, a telephone, a mobile or cellular telephone or other wireless telecommunication device, or a computer; and
4. "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.

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

**§24-100.4. Control and discipline of child.**

A. Each 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 conduct to which students are expected to conform. The policy shall:

1. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;
2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;
3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal;
4. Contain a statement of how the policy is to be publicized including a requirement that:
  - a. an annual written notice of the policy be provided to parents, guardians, staff, volunteers and students, with age-appropriate language for students,
  - b. notice of the policy be posted at various locations within each school site, including but not limited to cafeterias, school bulletin boards, and administration offices,
  - c. the policy be posted on the Internet website for the school district and each school site that has an Internet website, and
  - d. the policy be included in all student and employee handbooks;
5. Require that appropriate school district personnel involved in investigating reports of bullying make a determination regarding whether the conduct is actually occurring;
6. Contain a procedure for providing timely notification to the parents or guardians of a victim of documented and verified bullying and to the parents or guardians of the perpetrator of the documented and verified bullying;
7. Identify by job title the school official responsible for enforcing the policy;
8. Contain procedures for reporting to law enforcement all documented and verified acts of bullying which may constitute criminal activity or reasonably have the potential to endanger school safety;
9. Require annual training for administrators and school employees as developed and provided by the State Department of Education in preventing, identifying, responding to and reporting incidents of bullying;
10. Provide for an educational program as designed and developed by the State Department of Education and in consultation with the Office of Juvenile Affairs for students and parents in preventing, identifying, responding to and reporting incidents of bullying;
11. Establish a procedure for referral of a person who commits an act of bullying to a delinquency prevention and diversion program administered by the Office of Juvenile Affairs;

12. Address prevention by providing:

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

13. Establish a procedure for:

- a. the investigation, determination and documentation of all incidents of bullying reported to school officials,
- b. identifying the principal or a designee of the principal as the person responsible for investigating incidents of bullying,
- 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. 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 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 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. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies 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 its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.

C. 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 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.

D. 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.

E. 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.

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

G. The State Board of Education shall:

1. Promulgate rules for periodically monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section;
2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of bullying; and
3. Publish a report annually on the State Department of Education website regarding the number of documented and verified incidents of bullying in the public schools in the state.

**§24-100.5. Legislative intent - Safe school committee - Applicability.**

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

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

1. Unsafe conditions, possible strategies for students, faculty and staff to avoid physical and emotional harm at school, student victimization, crime prevention, school violence, and other issues which prohibit the maintenance of a safe school;
2. Student bullying as defined in Section 24-100.3 of this title;
3. Professional development needs of faculty and staff to recognize and implement methods to decrease student bullying;
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 and resources that include counselors and other behavioral health and suicide prevention resources within or outside the school system; and
5. Professional development needs of faculty and staff to recognize and report suspected human trafficking.

In its considerations, the Safe School Committee shall review the district policy for the prevention of bullying and the list of research-based programs appropriate for the prevention of bullying of students at school compiled by the State Department of Education. In addition, the Committee may review traditional and accepted bullying prevention programs utilized by other states, state agencies, or school districts.

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

D. The State Department of Education shall:

1. Develop a model policy and deliver training materials to all school districts on the components that should be included in a school district policy for the prevention of bullying; and
2. Compile and distribute to each public school site, prominently display on the State Department of Education website and annually publicize in print media a list of research-based programs appropriate for the prevention of bullying of students. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

E. The provisions of this section shall not apply to technology center schools.

**§24-100.6. Separation of victim and offender.**

A. Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.

B. Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, within thirty (30) days of the time of the adjudication or withholding of adjudication of any juvenile offender for any offense subject to the Juvenile Sex Offender Registration Act, either the juvenile bureau in counties which have juvenile bureaus or the Office of Juvenile Affairs in all other counties shall notify the superintendent of the school district in which the juvenile offender is enrolled or intends to enroll of the adjudication and the offense for which the child was adjudicated. Upon receipt of such notice, the school district shall notify the victim and parent or guardian of the victim of their right to request to be separated from the offender at school and during school transportation. If the victim requests to be separated from the offender, the school district shall take appropriate action to effectuate the provisions of subsection C of this section. The decision of the victim shall be final and not reversible.

C. Any offender described in subsection B of this section shall, upon the request of the victim, not attend any school attended by the victim or a sibling of the victim or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the school district to attend another school within the district in which the offender resides, provided the other school is not attended by the victim or sibling of the victim. If the offender is unable to attend another school in the district in which the offender resides, the offender shall transfer to another school district pursuant to the provisions of the Education Open Transfer Act.

D. The offender or the parents of the offender, if the offender is a juvenile, shall be responsible for arranging and paying for transportation and any other cost associated with or required for the offender to attend another school or that is required as a consequence of the prohibition against attending a school or riding on a school bus on which the victim or a sibling of the victim is attending or riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the school district.

**§24-100.7. Suicide awareness and prevention.**

B. The board of education of each school district in this state may provide schoolwide training to all students in grades seven through twelve and staff addressing suicide awareness and prevention. The Department of Mental Health and Substance Abuse Services shall develop and make available to school districts curriculum which addresses suicide awareness and prevention, without cost to the school districts. The course outline for the curriculum shall be made available to the public online through the school district website. Beginning with the 2014-2015 school year, every school district may:

3. Provide a suicide prevention training program that is selected by the school district from a list maintained by the Department of Mental Health and Substance Abuse Services to students and school district staff that addresses suicide awareness and prevention. The training program may be combined with any other training provided by the school district addressing bullying prevention.

**§1190. Prohibition against hazing - Presumption - Penalty - Definition.**

A. No student organization or any person associated with any organization sanctioned or authorized by the governing board of any public or private school or institution of higher education in this state shall engage or participate in hazing.

B. Any hazing activity described in subsection F of this section upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by a public or private school or by any institution of higher education in this state is directly or indirectly conditioned shall be presumed to be a forced activity, even if the student willingly participates in such activity.



C. A copy of the policy or the rules and regulations of the public or private school or institution of higher education which prohibits hazing shall be given to each student enrolled in the school or institution and shall be deemed to be part of the bylaws of all organizations operating at the public school or the institution of higher education.

D. Any organization sanctioned or authorized by the governing board of a public or private school or of an institution of higher education in this state which violates subsection A of this section, upon conviction, shall be guilty of a misdemeanor, and may be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) and the forfeit for a period of not less than one (1) year all of the rights and privileges of being an organization organized or operating at the public or private school or at the institution of higher education.

E. Any individual convicted of violating the provisions of subsection A of this section shall be guilty of a misdemeanor, and may be punishable by imprisonment for not to exceed ninety (90) days in the county jail, or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

F. For purposes of this section:

1. "Hazing" means an activity which recklessly or intentionally endangers the mental health or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating subject to the sanction of the public or private school or of any institution of higher education in this state;

2. "Endanger the physical health" shall include but not be limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes, low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug, controlled dangerous substance, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual; and

3. "Endanger the mental health" shall include any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

## **REGULATIONS**

### **210:10-1-20. Implementation of policies prohibiting 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 bullying.

(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meaning:

(1) "Bullying" means any pattern of harassment, intimidation, threatening behavior, physical acts, verbal or electronic communication directed toward a student or group of students that:

(A) Results in or is reasonably perceived as being done with the intent to cause negative educational or physical results for the targeted individual or group; and

(B) Is communicated in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

(2) "At school" means on school grounds, in school vehicles, at school-sponsored activities, or at school-sanctioned events.

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

(4) "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.

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for 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 meet all of the following requirements:

(1) The policy shall specifically prohibit all bullying at school. The prohibition against bullying at school shall include all use of electronic communication that is specifically directed at students or school personnel and is used to perpetuate incidents at school which meet the definition of bullying set forth (b) of this Section;

(2) The policy shall require the district to establish a procedure at each school for reporting an act of bullying to a school official that includes:

(A) A process that ensures reports of bullying are kept confidential and private to the extent necessary to ensure the ability of individuals to report incidents without fear of retribution or retaliation. Such process shall include a procedure which enables any person to report an act of bullying anonymously, provided that an anonymous report shall not be used as the sole basis for formal disciplinary action;

(B) A process that contains a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal and provides guidelines to school administrators, teachers, and other personnel on specific actions to take if incidents of bullying occur; and

(C) A process that ensures tracking of multiple incidents in a way that enables school administrators to identify emerging patterns of bullying over extended periods of time and interventions used with specific bullies and victims of bullying; and

(D) A process that ensures that students are encouraged to report incidents of known bullying and that the system of reporting bullying incidents does not contain unnecessary obstacles to reporting that would serve as a deterrent to reporting;

(3) The policy shall contain procedures for publicizing the bullying policy that meet all of the following requirements:

(A) An annual written notice of the bullying policy, written in age-appropriate language, shall be provided to parents, guardians, staff, volunteers, and students at each school;

(B) A written notice of the school bullying policy shall be posted at various locations within each school site, including, but not limited to cafeterias, school bulletin boards, classrooms, and administration offices. The notice shall be written in age-appropriate language that is understandable and accessible by all students in the school in which the notice is distributed;

- (C) The bullying policy shall be posted on the internet websites of the school district and each school site in the district which has its own website; and
- (D) The bullying policy shall be included in all student and employee handbooks;
- (4) The policy shall require that appropriate school district personnel involved in investigation of reports of bullying shall make a determination regarding whether or not the conduct alleged is actually occurring;
- (5) The policy shall require the district to establish a procedure at each school for providing timely notification of documented and verified incident(s) of bullying to the parents or guardians of a victim of documented to the parents or guardians of the perpetrator;
- (6) The policy shall require each school to identify by job title the official who is responsible for enforcement of the district's bullying policy;
- (7) The policy shall require the district to establish a procedure at each school for reporting all documented and verified acts of bullying to law enforcement that either:
  - (A) May constitute criminal conduct; or
  - (B) Have a reasonable potential to endanger the safety of school students, school personnel, or school visitors;
- (8) The policy shall require administrators and school employees to participate in annual training in bullying identification, prevention, reporting, and response that is developed and/or provided by the State Department of Education;
- (9) The policy shall require the district to provide students and parents at each school with an educational program in bullying identification, prevention, reporting, and response that is designed and developed by the State Department of Education;
- (10) The policy shall address prevention of bullying by providing procedures at each school that contain:
  - (A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:
    - (i) Verbal or written warnings;
    - (ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying;
    - (iii) Detention;
    - (iv) Loss of school privileges;
    - (v) Course and/or teacher reassignment;
    - (vi) Prohibition or suspension of participation in school activities;
    - (vii) In-school or out-of-school suspension in accordance with the provisions of 70 O.S. 24-101.3 and district policy and procedures;
    - (viii) Meetings or conferences with a school counselor, school psychologist, or school social worker;
    - (ix) Restitution of a victim's property that has been damaged as a result of a documented and verified bullying incident;
    - (x) Reassignment, suspension, and/or termination of school employment;
    - (xi) Referral to law enforcement;
  - (B) Consequences and remedial action for a student found to have falsely accused another student of bullying as a means of retaliation, reprisal, or means of bullying that is appropriate to the age of the perpetrator and severity of the incident, provided that such consequences shall not be implemented or enforced in such a way as to deter credible reports of bullying incidents; and

(C) A strategy for providing appropriate services as necessary for students who are targets of bullying; family members affected by bullying; and perpetrators of bullying. Such services and support may be provided by the school directly or through referrals to other providers and may include, but are not limited to one or more of the following:

- (i) Counseling;
- (ii) Academic intervention;
- (iii) Protection for students who are targets of bullying; and
- (iv) Any other appropriate services as necessary to:
  - (I) Ensure the safety of all students involved in incidents of bullying; and
  - (II) Prevent further incidents of bullying.

(11) The policy shall require the district to establish a procedure at each school for:

- (A) The investigation, documentation, and determination of all incidents of bullying reported to school officials;
- (B) Identification and designation of a school official at each school site who is responsible for investigation of incidents of bullying;
- (C) Reporting the number of incidents of bullying to the State Department of Education; and
- (D) Determination of the severity of the incident(s) and the potential of the incident(s) to result in future violence.

(12) The policy shall require the district to establish a procedure at each school which provides, upon the completion of an investigation, that a school may recommend that available community mental health care, substance abuse, or other counseling options be provide to the student, if appropriate. 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.

(13) The policy shall require the district to establish a procedure at each school whereby a school may request the disclosure of any information concerning students who have received mental health, substance abuse, or other health care pursuant to (12) of this subsection, if that information indicates an explicit threat to the safety of students or school personnel provided, and if the disclosure of that 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) Policy Adoption. 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 (f) of this Section.

(e) Policy Development. 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 (c) of this Section.

(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) Every 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) The State Department of Education shall conduct an annual 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 (f) of this Section 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 (c) of this Section 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.

(g) Federal Applicability. 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.

## **Dating and Relationship Violence**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

# ***Prevention, Behavioral Intervention, and Supports***

## **State Model Policies and Implementation Support**

### **LAWS**

#### **§6-113.1. Effective classroom discipline techniques.**

The State Department of Education shall provide each local board of education materials dealing with effective classroom discipline techniques as an alternative to the use of corporal punishment.

#### **§24-100.4. Control and discipline of child.**

G. The State Board of Education shall:

1. Promulgate rules for periodically monitoring school districts for compliance with this section and providing sanctions for noncompliance with this section;
2. Establish and maintain a central repository for the collection of information regarding documented and verified incidents of bullying; and
3. Publish a report annually on the State Department of Education website regarding the number of documented and verified incidents of bullying in the public schools in the state.

#### **§24-100.5. Legislative intent - Safe school committee - Applicability.**

D. The State Department of Education shall:

1. Develop a model policy and deliver training materials to all school districts on the components that should be included in a school district policy for the prevention of bullying; and
2. Compile and distribute to each public school site, prominently display on the State Department of Education website and annually publicize in print media a list of research-based programs appropriate for the prevention of bullying of students. If a school district implements a commercial bullying prevention program, it shall use a program listed by the State Department of Education.

#### **§1210.229-5. Duties of State Superintendent of Public Instruction, State Department of Education, and Oklahoma drug and alcohol abuse policy board - Distribution of information or reports - Final determination of materials and curriculum.**

A. The State Superintendent of Public Instruction and State Department of Education in conjunction with the Oklahoma Drug and Alcohol Abuse Policy Board shall:

1. establish objective criteria, guidelines and a comprehensive integrated curriculum for substance abuse programs and the teaching of life skills in local schools and school districts;
2. establish and review annually model policies for alcohol and drug abuse issues, including but not limited to policies regarding disciplinary actions and referral for services;
3. develop and implement strategies which encourage all schools to employ guidance counselors trained in substance abuse prevention and life skills and to develop and begin implementing quality substance abuse and life skills education programs; and
4. develop guidelines and criteria to encourage teachers and administrators to receive in-service training on alcohol and drug abuse. The training or workshops should be included in the staff development point system. The training or workshop shall be completed the first year a certified teacher is employed by a school district, and then once every third academic year.

B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a

clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

C. Final determination of materials to be used, means of implementation of the curriculum, and ages and times at which students receive instruction about said life skills and drug and alcohol abuse prevention shall be made by the local school board. The local school district, at least one (1) month prior to giving such instruction to students, shall conduct for parents and guardians of students involved, during weekend or evening hours, at least one presentation concerning the plans for instruction and the materials to be used. No student shall be required to receive instruction about said life skills and drug and alcohol abuse prevention if a parent or guardian of the student objects in writing.

**§1210.229-6. Program of character education - Grants for establishment of pilot projects.**

A. The board of education of every school district in this state may develop and implement a comprehensive program for character education in any single grade or combination of grades, prekindergarten through twelfth. The character education program shall focus on development of character traits in students. The program of character education may include, but shall not be limited to, the voluntary reciting of the Pledge of Allegiance to the flag of the United States of America.

B. The State Department of Education shall develop and make available to all school districts through an Internet website, the following:

1. Technical assistance upon request of a school district;
2. A list of approved research-based character education programs, curricula, and materials which may be used by school districts;
3. A character education honor roll that will recognize school districts that have successfully implemented a comprehensive school-district-wide program of character education and will highlight the positive impacts the program has had on each school or school district; and
4. A character education reading list of books that may include, but is not limited to, books that illustrate models of good character and books that relate to the development of good character traits that may be used by schools in a character education program.

C. Subject to the availability of funding, the State Board of Education may award grants to ten school districts for the establishment of pilot projects which align character education with the state curriculum in reading, mathematics, science or social studies and demonstrate how character education teaches life skills that lead to career readiness. The amount of each grant shall be One Thousand Dollars (\$1,000.00). The projects shall be innovative programs that will serve as models for other school districts. Funding may cover the cost of purchasing curriculum, materials, or training teachers. The Board shall determine pilot project criteria and establish a process for the consideration of proposals. The proposals for pilot projects shall be considered on a statewide competitive basis. The Board shall promulgate rules for the operation of the projects.

**REGULATIONS**

**210:40-91-1. Purpose.**

This rule prescribes procedures for a competitive grant process to be used in selecting classroom(s), programs, sites within school districts, or entire school districts statewide to implement model comprehensive character programs.

**210:40-91-3. Procedures for evaluation and recommendation of eligible grant applications.**

(a) The State Department of Education shall identify and make grant awards to pilot sites based on the following criteria and the availability of funding:

(1) Programs, sites or classrooms within school districts, or entire school districts shall be selected as a comprehensive character education pilot based on a competitive grant process.

(2) The grant application shall be designed by the Oklahoma State Department of Education staff. Local Boards of Education shall submit the application to the SDE Grant Review and Selection Committee, Office of Innovation, Support, and Alternative Education.

(3) A Grant Review and Selection Committee will be chosen by the State Superintendent. The committee shall identify the grantees who meet the criteria for selection to establish innovative pilot character education programs and make a recommendation to the State Superintendent of Public Instruction and the State Board of Education for approval and funding. The number of grants to be awarded will be based on the total appropriated funds.

(b) Each school district applying for the Character Education grant shall:

(1) Describe the process that will enable the classroom, program, site within the district, or the entire district to become a "pilot."

(2) Describe the strategies or methods that will promote and maintain a character education model.

(3) Describe the materials, curricula and models to be used in the program.

(4) Describe the leadership roles and expectations of program participants in the school district, program, classroom, or site.

(5) Provide examples of communication and public relations efforts that will highlight the elements of character being promoted.

(6) Describe the methodology as well as the commitment to submitting the data necessary to support being named to the Character Education Honor Roll.

(7) Describe an objective procedure for documenting how the Character Education Grant program benefits the children served. Data and documentation will be collected, compiled and submitted to the State Department of Education.

(c) Districts, programs, sites or classrooms within a district that successfully implement a comprehensive character education program will be eligible for recognition by the Oklahoma State Board of Education for the "Character Education Honor Roll."

## **Multi-tiered Frameworks and Systems of Support**

### **LAWS**

**§6-185. Incorporation of competencies and methods into programs approved for teacher preparation for competency-based teacher preparation system - Legislative intent.**

A. The following competencies and methods shall be incorporated into the programs approved by the Commission for Educational Quality and Accountability for the competency-based teacher preparation system provided for in the Oklahoma Teacher Preparation Act:

2. The preservice program shall include the following methods to achieve the competencies listed in paragraph 1 of this subsection:

c. require teacher candidates in early childhood, elementary, secondary, and special education to study the philosophy, overarching framework, components, and implementation of multi-tiered systems of support (MTSS) designed to address the core academic and nonacademic needs of all students. The program shall provide for training that utilizes evidence-based assessment, intervention, and data-based decision-making procedures within a tiered system of support to identify



students at risk for negative academic or nonacademic outcomes. This training shall include, but not be limited to, the following areas as appropriate by grade band:

(3) the application of the behavioral sciences to classroom management that includes instruction on prevention of problematic behaviors, teaching appropriate behaviors, reinforcing appropriate behaviors, responding to problematic behaviors, and evaluating the effect of classroom management on student outcomes, and

(4) the identification and impact of trauma on student learning and trauma-informed responsive instruction,

## **REGULATIONS**

No relevant regulations found.

## **Prevention**

### **LAWS**

#### **§24-100.1. School violence prevention.**

A. It is the intent of the Legislature to encourage and assist the public schools of this state to address school violence through an emphasis on prevention. Preventative services shall be encouraged through greater access to mental health counseling and social services for students. In order to make licensed professional counselors and licensed social workers more available and accessible on site, school districts may:

1. Contract with and allocate space for nonprofit agencies or other community-based service providers for the appropriate personnel and services;
2. Seek any available funding, including the use of Medicaid funds for students who are Medicaid eligible through targeted case management, and any other funding which may be available for related services; and
3. Encourage the State Board of Education to allow for the use of licensed professional counselors and licensed social workers in addition to academic counselors.

#### **§24-100.4. Control and discipline of child.**

B. In developing the policy, the district board of education shall make an effort to involve the teachers, parents, administrators, school staff, school volunteers, community representatives, local law enforcement agencies 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 its adoption of the policy and shall receive a copy upon request. The school district policy shall be implemented in a manner that is ongoing throughout the school year and is integrated with other violence prevention efforts.

## **REGULATIONS**

No relevant regulations found.

## **Social-emotional Learning (SEL)**

### **LAWS**

#### **§1210.229-6. Program of character education - Grants for establishment of pilot projects.**

A. The board of education of every school district in this state may develop and implement a comprehensive program for character education in any single grade or combination of grades, prekindergarten through twelfth. The character education program shall focus on development of character traits in students. The program of character education may include, but shall not be limited to, the voluntary reciting of the Pledge of Allegiance to the flag of the United States of America.

B. The State Department of Education shall develop and make available to all school districts through an Internet website, the following:

1. Technical assistance upon request of a school district;
2. A list of approved research-based character education programs, curricula, and materials which may be used by school districts;
3. A character education honor roll that will recognize school districts that have successfully implemented a comprehensive school-district-wide program of character education and will highlight the positive impacts the program has had on each school or school district; and
4. A character education reading list of books that may include, but is not limited to, books that illustrate models of good character and books that relate to the development of good character traits that may be used by schools in a character education program.

C. Subject to the availability of funding, the State Board of Education may award grants to ten school districts for the establishment of pilot projects which align character education with the state curriculum in reading, mathematics, science or social studies and demonstrate how character education teaches life skills that lead to career readiness. The amount of each grant shall be One Thousand Dollars (\$1,000.00). The projects shall be innovative programs that will serve as models for other school districts. Funding may cover the cost of purchasing curriculum, materials, or training teachers. The Board shall determine pilot project criteria and establish a process for the consideration of proposals. The proposals for pilot projects shall be considered on a statewide competitive basis. The Board shall promulgate rules for the operation of the projects.

## **REGULATIONS**

### **210:40-91-1. Purpose.**

This rule prescribes procedures for a competitive grant process to be used in selecting classroom(s), programs, sites within school districts, or entire school districts statewide to implement model comprehensive character programs.

### **210:40-91-2. Procedures for solicitation, determination of eligibility, and acceptance of applications for districtwide comprehensive character education programs.**

(a) At such time that state funds are appropriated for the Character Education Grant program grants to be awarded by the State Board of Education and administered by the State Department of Education, a notification letter will be sent to each district superintendent announcing the availability of the grant application. Such notice will also be posted on the State Department of Education website at < [www.sde.state.ok.us](http://www.sde.state.ok.us)>.

(b) The notification will clearly state the name and telephone number of the contact person for the Character Education Grant at the State Department of Education who administers the program.

(c) Only one application per district per grant will be accepted. The signature of the district superintendent must appear on the application.

(d) School districts, sites within a district, programs and classrooms may be eligible as a pilot for the grant with the intent of replication throughout the district.

### **210:40-91-3. Procedures for evaluation and recommendation of eligible grant applications.**

(a) The State Department of Education shall identify and make grant awards to pilot sites based on the following criteria and the availability of funding:

(1) Programs, sites or classrooms within school districts, or entire school districts shall be selected as a comprehensive character education pilot based on a competitive grant process.

(2) The grant application shall be designed by the Oklahoma State Department of Education staff. Local Boards of Education shall submit the application to the SDE Grant Review and Selection Committee, Office of Innovation, Support, and Alternative Education.

(3) A Grant Review and Selection Committee will be chosen by the State Superintendent. The committee shall identify the grantees who meet the criteria for selection to establish innovative pilot character education programs and make a recommendation to the State Superintendent of Public Instruction and the State Board of Education for approval and funding. The number of grants to be awarded will be based on the total appropriated funds.

(b) Each school district applying for the Character Education grant shall:

(1) Describe the process that will enable the classroom, program, site within the district, or the entire district to become a "pilot."

(2) Describe the strategies or methods that will promote and maintain a character education model.

(3) Describe the materials, curricula and models to be used in the program.

(4) Describe the leadership roles and expectations of program participants in the school district, program, classroom, or site.

(5) Provide examples of communication and public relations efforts that will highlight the elements of character being promoted.

(6) Describe the methodology as well as the commitment to submitting the data necessary to support being named to the Character Education Honor Roll.

(7) Describe an objective procedure for documenting how the Character Education Grant program benefits the children served. Data and documentation will be collected, compiled and submitted to the State Department of Education.

(c) Districts, programs, sites or classrooms within a district that successfully implement a comprehensive character education program will be eligible for recognition by the Oklahoma State Board of Education for the "Character Education Honor Roll."

**210:40-91-4. Procedures for awarding grants.**

After committee review and scoring of the eligible applications, the State Superintendent will provide a list of recommended eligible applicants to the State Board of Education for approval and possible funding.

## Trauma-informed Practices

### LAWS

**§6-185. Incorporation of competencies and methods into programs approved for teacher preparation for competency-based teacher preparation system - Legislative intent.**

A. The following competencies and methods shall be incorporated into the programs approved by the Commission for Educational Quality and Accountability for the competency-based teacher preparation system provided for in the Oklahoma Teacher Preparation Act:

2. The preservice program shall include the following methods to achieve the competencies listed in paragraph 1 of this subsection:

c. require teacher candidates in early childhood, elementary, secondary, and special education to study the philosophy, overarching framework, components, and implementation of multi-tiered systems of support (MTSS) designed to address the core academic and nonacademic needs of all students. The program shall provide for training that utilizes evidence-based assessment, intervention, and data-based decision-making procedures within a tiered system of support to identify students at risk for negative academic or nonacademic outcomes. This training shall include, but not be limited to, the following areas as appropriate by grade band:

(4) the identification and impact of trauma on student learning and trauma-informed responsive instruction,

## **REGULATIONS**

No relevant regulations found.

## **Mental Health Literacy Training**

### **LAWS**

#### **§6-185. Incorporation of competencies and methods into programs approved for teacher preparation for competency-based teacher preparation system - Legislative intent.**

A. The following competencies and methods shall be incorporated into the programs approved by the Commission for Educational Quality and Accountability for the competency-based teacher preparation system provided for in the Oklahoma Teacher Preparation Act:

2. The preservice program shall include the following methods to achieve the competencies listed in paragraph 1 of this subsection:
  - i. require teacher candidates to study, in existing coursework, substance abuse symptoms identification and prevention, mental illness symptoms identification and mental health issues, and classroom safety and discipline techniques.

#### **§6-194.3. Development & availability of mental health information, training and resources for school district, training program for teachers.**

A. The State Department of Education and the Department of Mental Health and Substance Abuse Services, in consultation with school district superintendents and school district boards of education, shall develop and make available to school districts information, training and resources to help school employees recognize and address the mental health needs of students. A local district board of education shall require a training program for teachers which shall emphasize the importance of recognizing and addressing the mental health needs of students. The program shall be completed the first year a certified teacher is employed by a school district, and then once every third academic year.

B. The information made available to school districts shall include but not be limited to:

1. about the services provided by community-based organizations related to mental health, substance abuse and trauma;
2. Information about the impact trauma and adverse childhood experiences can have on a student's ability to learn;
3. The availability of mental health evaluation and treatment available by telemedicine; and
4. Information about evidence-based strategies for prevention of at-risk behaviors

## **REGULATIONS**

No relevant regulations found.

## **School-based Behavioral Health Programs**

### **LAWS**

#### **§ 24-100.1. School violence prevention.**

A. It is the intent of the Legislature to encourage and assist the public schools of this state to address school violence through an emphasis on prevention. Preventative services shall be encouraged through greater access to mental health counseling and social services for students. In order to make licensed professional counselors and licensed social workers more available and accessible on site, school districts may:

1. Contract with and allocate space for nonprofit agencies or other community-based service providers for the appropriate personnel and services;

2. Seek any available funding, including the use of Medicaid funds for students who are Medicaid eligible through targeted case management, and any other funding which may be available for related services; and
3. Encourage the State Board of Education to allow for the use of licensed professional counselors and licensed social workers in addition to academic counselors.

**§ 24-100.5. Legislative intent - Safe school committee - Applicability .**

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

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 and resources that include counselors and other behavioral health and suicide prevention resources within or outside the school system.

**REGULATIONS**

No relevant regulations found.

# ***Monitoring and Accountability***

## **Formal Incident Reporting of Conduct Violations**

### **LAWS**

#### **§5-146.1. Reporting suspected gang activity - Immunity from liability.**

A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, who has reason to believe that a child under the age of eighteen (18) years is involved in gang activity shall notify the person designated by the school district. Upon receiving such report, the person designated by the school district may report the matter to the nearest local law enforcement agency. The report may be made by telephone, in writing, personally or by any other method prescribed by the school district.

B. A school district employee or contractor who, in good faith and exercising due care in the making of a report pursuant to subsection A of this section, shall be granted immunity from all civil or criminal liability which might be incurred or imposed by making such report.

#### **§10-106. Records of attendance of pupil - Report of absence.**

It shall be the duty of the principal or head teacher of each public, private or other school in the State of Oklahoma to keep a full and complete record of the attendance of all children at such school and to notify the attendance officer of the district in which such school is located of the absence of such children from the school together with the causes thereof, if known; and it shall be the duty of any parent, guardian or other person having charge of any child of compulsory attendance age to notify the child's teacher concerning the cause of any absences of such child. It shall be the duty of the principal or head teacher to notify the parent, guardian or responsible person of the absence of the child for any part of the school day, unless the parent, guardian or other responsible person notifies the principal or head teacher of such absence. Such attendance officer and teacher shall be required to report to the school health officer all absences on account of illness with such information respecting the same as may be available by report or investigation; and the attendance officer shall, if justified by the circumstances, promptly give to the parent, guardian or custodian of any child who has not complied with the provisions of this article oral and documented or written warning to the last-known address of such person that the attendance of such child is required at some public, private or other school as herein provided. If within five (5) days after the warning has been received, the parent, guardian or custodian of such child does not comply with the provisions of this article, then such attendance officer shall make complaint against the parent, guardian or custodian of such child in a court of competent jurisdiction for such violation, which violation shall be a misdemeanor. If a child is absent without valid excuse four (4) or more days or parts of days within a four- week period or is absent without valid excuse for ten (10) or more days or parts of days within a semester, the attendance officer shall notify the parent, guardian or custodian of the child and immediately report such absences to the district attorney in the county wherein the school is located for juvenile proceedings pursuant to Title 10A of the Oklahoma Statutes.

#### **§24-100.4. Control and discipline of child.**

A. Each 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 conduct to which students are expected to conform. The policy shall:

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

2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;
3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal.

**§24-132. Reporting students under influence of certain prohibited substances - Civil immunity.**

A. Any public school administrator, teacher or counselor having reasonable cause to suspect that a student is under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance as defined in Section 2-101 of Title 63 of the Oklahoma Statutes or has in the student's possession low-point beer, alcoholic beverages or a controlled dangerous substance, who reports such information to the appropriate school official, court personnel, community substance abuse prevention and treatment personnel or any law enforcement agency, pursuant to the school's policy shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

B. Every school authority shall immediately deliver any controlled dangerous substance, removed or otherwise seized from any minor or other person, to a law enforcement authority for appropriate disposition.

**§24-138. Students under the influence of certain prohibited substances - Reporting - Written policy.**

A. Whenever it appears to any public school teacher that a student may be under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance, as defined in Section 2-101 of Title 63 of the Oklahoma Statutes, that teacher shall report the matter, upon recognition, to the school principal or his or her designee. The principal or designee shall immediately notify the superintendent of schools or designee and a parent or legal guardian of the student of the matter.

No officer or employee of any public school district or member of any school board shall be subject to any civil liability for any statement, report, or action taken in assisting or referring for assistance to any medical treatment, social service agency or facility or any substance abuse prevention and treatment program any student reasonably believed to be abusing or incapacitated by the use of low-point beer, alcoholic beverages or a controlled dangerous substance unless such assistance or referral was made in bad faith or with malicious purpose. No such officer or employee of any public school district, member of any school board, school or school district shall be responsible for any treatment costs incurred by a student as a result of any such assistance or referral to any medical treatment, social service agency or facility, or substance abuse prevention and treatment program.

B. Every school district shall have and deliver to each classroom teacher a written policy that such teachers shall follow if they have a student who appears to be under the influence of low-point beer, alcoholic beverages or a controlled dangerous substance in their classroom. The written policy shall be developed by the local superintendent of schools and adopted by the local board of education. The provisions of subsection A of this section shall be the minimum requirements of such written policy. The written policy shall be filed with the office of the State Superintendent of Public Instruction within ninety (90) days of the effective date of this act. If such filing is not timely made, the public schools in such school district shall lose their accreditation until the written policy is filed.

## **REGULATIONS**

### **210:10-1-20. Implementation of policies prohibiting bullying.**

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for 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 meet all of the following requirements:

(2) The policy shall require the district to establish a procedure at each school for reporting an act of bullying to a school official that includes:

(A) A process that ensures reports of bullying are kept confidential and private to the extent necessary to ensure the ability of individuals to report incidents without fear of retribution or retaliation. Such process shall include a procedure which enables any person to report an act of bullying anonymously, provided that an anonymous report shall not be used as the sole basis for formal disciplinary action;

(B) A process that contains a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal and provides guidelines to school administrators, teachers, and other personnel on specific actions to take if incidents of bullying occur; and

(C) A process that ensures tracking of multiple incidents in a way that enables school administrators to identify emerging patterns of bullying over extended periods of time and interventions used with specific bullies and victims of bullying; and

(D) A process that ensures that students are encouraged to report incidents of known bullying and that the system of reporting bullying incidents does not contain unnecessary obstacles to reporting that would serve as a deterrent to reporting.

## **Parental Notification**

### **LAWS**

#### **§10-106. Records of attendance of pupil - Report of absence.**

It shall be the duty of the principal or head teacher of each public, private or other school in the State of Oklahoma to keep a full and complete record of the attendance of all children at such school and to notify the attendance officer of the district in which such school is located of the absence of such children from the school together with the causes thereof, if known; and it shall be the duty of any parent, guardian or other person having charge of any child of compulsory attendance age to notify the child's teacher concerning the cause of any absences of such child. It shall be the duty of the principal or head teacher to notify the parent, guardian or responsible person of the absence of the child for any part of the school day, unless the parent, guardian or other responsible person notifies the principal or head teacher of such absence. Such attendance officer and teacher shall be required to report to the school health officer all absences on account of illness with such information respecting the same as may be available by report or investigation; and the attendance officer shall, if justified by the circumstances, promptly give to the parent, guardian or custodian of any child who has not complied with the provisions of this article oral and documented or written warning to the last-known address of such person that the attendance of such child is required at some public, private or other school as herein provided. If within five (5) days after the



warning has been received, the parent, guardian or custodian of such child does not comply with the provisions of this article, then such attendance officer shall make complaint against the parent, guardian or custodian of such child in a court of competent jurisdiction for such violation, which violation shall be a misdemeanor. If a child is absent without valid excuse four (4) or more days or parts of days within a four- week period or is absent without valid excuse for ten (10) or more days or parts of days within a semester, the attendance officer shall notify the parent, guardian or custodian of the child and immediately report such absences to the district attorney in the county wherein the school is located for juvenile proceedings pursuant to Title 10A of the Oklahoma Statutes.

#### **§24-100.4. Control and discipline of child.**

A. Each 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 conduct to which students are expected to conform. The policy shall:

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

#### **§24-138. Students under the influence of certain prohibited substances - Reporting - Written policy.**

A. Whenever it appears to any public school teacher that a student may be under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance, as defined in Section 2-101 of Title 63 of the Oklahoma Statutes, that teacher shall report the matter, upon recognition, to the school principal or his or her designee. The principal or designee shall immediately notify the superintendent of schools or designee and a parent or legal guardian of the student of the matter.

#### **§2002. Rights reserved to parents.**

A. All parental rights are reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision of this state, any other governmental entity or any other institution, including, but not limited to, the following rights:

10. The right to be notified promptly if an employee of this state, any political subdivision of this state, any other governmental entity or any other institution suspects that a criminal offense has been committed against the minor child by someone other than a parent, unless the incident has first been reported to law enforcement and notification of the parent would impede a law enforcement or Department of Human Services investigation. This paragraph does not create any new obligation for school districts and charter schools to report misconduct between students at school, such as fighting or aggressive play, that is routinely addressed as a student disciplinary matter by the school.

#### **§2003. School district policy on parental involvement - Information to be provided to parents.**

A. The board of education of a school district, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including:

1. A plan for parent participation in the schools which is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline.

## **REGULATIONS**

### **210:10-1-20. Implementation of policies prohibiting bullying.**

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for 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 meet all of the following requirements:

(5) The policy shall require the district to establish a procedure at each school for providing timely notification of documented and verified incident(s) of bullying to the parents or guardians of a victim of documented to the parents or guardians of the perpetrator. [...]

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(ii) Conferences with the parent(s) and/or guardian(s) of the student(s) involved in an incident of bullying.

## **Data Collection, Review, and Reporting of Discipline Policies and Actions**

### **LAWS**

#### **§3-168. Short title - Definitions - Purpose - Promulgation of rules.**

B. As used in this act:

7. "Student data" means data collected and/or reported at the individual student level included in a student's educational record.

a. "Student data" includes:

(8) discipline reports limited to objective information sufficient to produce the federal Title IV Annual Incident Report. [...]

C. The State Board of Education shall:

1. Create, publish and make publicly available a data inventory and dictionary or index of data elements with definitions of individual student data fields currently in the student data system including:

a. any individual student data required to be reported by state and federal education mandates,

b. any individual student data which has been proposed for inclusion in the student data system with a statement regarding the purpose or reason for the proposed collection, and

c. any individual student data that the State Department of Education collects or maintains with no current purpose or reason.

#### **§24-100.4. Control and discipline of child.**

A. Each 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 conduct to which students are expected to conform. The policy shall:

13. Establish a procedure for:

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

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

c. reporting the number of incidents of bullying, and

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

G. The State Board of Education shall:

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

**§24-120. Truancy - Reports to Department of Public Welfare - Withholding of assistance payments.**

E. Beginning with the 2019-2020 school year, district attorneys shall submit to the Office of Child Abuse Prevention annual reports detailing the instances in which students were convicted of truancy pursuant to the provisions of this section. The reports shall comply with the Family Educational Rights and Privacy Act of 1974 (FERPA).

**§1210.229-5. Duties of State Superintendent of Public Instruction, State Department of Education, and Oklahoma drug and alcohol abuse policy board - Distribution of information or reports - Final determination of materials and curriculum.**

B. The State Department of Education shall distribute information or reports provided by the Oklahoma Drug and Alcohol Abuse Policy Board, to each school district and, upon request, to members of the public. Upon request of the chief administrator of a school or school district, the Department shall provide technical assistance to schools and school districts to implement policies and programs pursuant to guidelines provided by the Oklahoma Drug and Alcohol Abuse Policy Board and shall provide a clearinghouse program accessible by school districts to provide information about life skills and drug and alcohol abuse prevention curricula and programs.

**REGULATIONS**

**210:10-1-20. Implementation of policies prohibiting bullying.**

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for 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 meet all of the following requirements:

- (11) The policy shall require the district to establish a procedure at each school for:
  - (A) The investigation, documentation, and determination of all incidents of bullying reported to school officials;
  - (B) Identification and designation of a school official at each school site who is responsible for investigation of incidents of bullying;
  - (C) Reporting the number of incidents of bullying to the State Department of Education; and
  - (D) Determination of the severity of the incident(s) and the potential of the incident(s) to result in future violence.

**210:1-3-8.1. Student Data Accessibility, Transparency and Accountability Act.**

(b) Annual inventory of student data collection. The State Board of Education shall create and/or update and publish a data inventory and dictionary or an index of individual student data elements with definitions of individual student data fields currently collected by the State Department of Education in its student data system.

- (1) The inventory or index required to be created and published by this subsection shall include:
  - (A) Any student data required to be reported by state and federal education mandates;
  - (B) Any student data, if any, which have been proposed for inclusion in the student data system with a statement regarding the purpose or reason for the proposed collection; and
  - (C) Any student data, if any, that the State Department of Education collects or maintains with no current purpose or reason.
- (2) The inventory or index required to be created and published by this subsection shall identify which student data elements were collected by the State Department of Education on or before July 1, 2013. All data elements identified as a student data element collected by the State Department of Education on or before July 1, 2013 shall be considered an "existing collection of student data" exempt from the provisions of (c) of this Section pertaining to collection of "new student data."

# ***Partnerships between Schools and Law Enforcement***

## **Referrals to Law Enforcement**

### **LAWS**

#### **§5-146.1. Reporting suspected gang activity - Immunity from liability.**

A. Any school employee, as defined by subsection A of Section 650.7 of Title 21 of the Oklahoma Statutes, who has reason to believe that a child under the age of eighteen (18) years is involved in gang activity shall notify the person designated by the school district. Upon receiving such report, the person designated by the school district may report the matter to the nearest local law enforcement agency. The report may be made by telephone, in writing, personally or by any other method prescribed by the school district.

B. A school district employee or contractor who, in good faith and exercising due care in the making of a report pursuant to subsection A of this section, shall be granted immunity from all civil or criminal liability which might be incurred or imposed by making such report.

#### **§24-100.4. Control and discipline of child.**

A. Each 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 conduct to which students are expected to conform. The policy shall:

1. Specifically address bullying by students at school and by electronic communication, if the communication is specifically directed at students or school personnel and concerns bullying at school;
2. Contain a procedure for reporting an act of bullying to a school official or law enforcement agency, including a provision that permits a person to report an act anonymously. No formal disciplinary action shall be taken solely on the basis of an anonymous report;
3. Contain a requirement that any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the principal or a designee of the principal. [...]
8. Contain procedures for reporting to law enforcement all documented and verified acts of bullying which may constitute criminal activity or reasonably have the potential to endanger school safety

#### **§24-100.8. Threatening behavior-Notification of law enforcement-Good faith immunity from discipline.**

A. As used in this section, "threatening behavior" means any verbal threat or threatening behavior, whether or not it is directed at another person, which indicates potential for future harm to students, school personnel or school property.

B. An officer or employee of a school district or member of a board of education shall notify law enforcement of any verbal threat or act of threatening behavior which reasonably may have the potential to endanger students, school personnel or school property.

C. Officers or employees of a school district or members of a board of education shall be immune from employment discipline and any civil liability for communicating information pursuant to subsection B of this section in good faith if they reasonably believe a person is making verbal threats or is exhibiting threatening behavior.

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

**§24-132. Reporting students under influence of certain prohibited substances - Civil immunity.**

A. Any public school administrator, teacher or counselor having reasonable cause to suspect that a student is under the influence of low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes or a controlled dangerous substance as defined in Section 2-101 of Title 63 of the Oklahoma Statutes or has in the student's possession low-point beer, alcoholic beverages or a controlled dangerous substance, who reports such information to the appropriate school official, court personnel, community substance abuse prevention and treatment personnel or any law enforcement agency, pursuant to the school's policy shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of the making of such a report.

B. Every school authority shall immediately deliver any controlled dangerous substance, removed or otherwise seized from any minor or other person, to a law enforcement authority for appropriate disposition.

**§24-132.1. Duty to report unauthorized firearm and to deliver seized weapon to law enforcement.**

A. Pursuant to the requirements of Section 1271.1 of Title 21 of the Oklahoma Statutes, every school authority shall immediately report the discovery of a firearm not otherwise authorized by law to be possessed to a law enforcement authority and deliver any weapon or firearm, removed or otherwise seized from any minor, to a law enforcement authority for appropriate disposition.

B. Every school authority shall also immediately report to a law enforcement authority the discovery of a firearm upon a student that is not a minor or upon any other person not otherwise authorized by law to possess a firearm on school property pursuant to Section 1280.1 of Title 21 of the Oklahoma Statutes and deliver any weapon or firearm that is removed or seized to a law enforcement authority for disposition pursuant to Section 1271.1 of Title 21 of the Oklahoma Statutes.

**REGULATIONS**

**210:10-1-20. Implementation of policies prohibiting bullying.**

(c) Implementation. Each district board of education shall adopt a policy for the discipline of all children attending public school in that district. Such policy shall set forth investigative procedures of reported incidents bullying. Such policy shall provide options for 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 meet all of the following requirements:

(10) The policy shall address prevention of bullying by providing procedures at each school that contain:

(A) Consequences and remedial action for any person (including a student or school employee) who commits an act of bullying. All consequences and remedial action shall be appropriate to the age of the perpetrator(s) and severity of the incident. Such consequences may include, but are not limited to one or more of the following:

(xi) Referral to law enforcement.

## **School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Authorizations, Memoranda of Understanding (MOUs), and/or Funding**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Threat Assessment Protocols**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## ***State-Sponsored, Publicly Available Websites or Other Resources on School Discipline***

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Oklahoma provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Bullying Prevention, Oklahoma State Department of Education (OSDE)	Provides an overview of bullying prevention and includes lesson plans, resource library, prevention programs, professional development, other related resources.	<a href="https://sde.ok.gov/bullying-prevention">https://sde.ok.gov/bullying-prevention</a>
Chronic Absenteeism, OSDE	Provides an overview of chronic absenteeism and prevention including definitions, self-assessments, toolkits, and links to additional resources for schools and families.	<a href="https://sde.ok.gov/chronic-absenteeism">https://sde.ok.gov/chronic-absenteeism</a>
Office of School Safety and Security, OSDE	Addresses school safety and provides tools and resources related to school safety including links to submit a tip concerning the safety or security of any Oklahoma school, secure schools program, behavior threat assessment management system, and drill reporting.	<a href="https://sde.ok.gov/school-safety-and-security">https://sde.ok.gov/school-safety-and-security</a>
Oklahoma Tiered Intervention System of Support (OTISS), OSDE	Provides an overview of OTISS including Response to Intervention (RTI) and Positive Behavioral Interventions and Supports (PBIS) and links related resources to RTI and PBIS.	<a href="https://sde.ok.gov/oklahoma-tiered-intervention-system-support-otiss">https://sde.ok.gov/oklahoma-tiered-intervention-system-support-otiss</a>
Prevention Services, OSDE	Presents programs and initiatives including bullying, cyberbullying, internet safety, substance abuse prevention, and violence prevention administered in Oklahoma's schools, providing links to report forms, help hotlines, crisis kit for counselors, and related resources to prevention services.	<a href="https://sde.ok.gov/prevention-education">https://sde.ok.gov/prevention-education</a>

Title	Description	Website address (if applicable)
<b>Website</b>		
Safe and Healthy Schools, OSDE	Provides information about Oklahoma's adoption of the Whole School, Whole Community, Whole Child (WSCC) model and includes professional learning opportunities and related resources.	<a href="https://sde.ok.gov/safe-and-healthy-schools">https://sde.ok.gov/safe-and-healthy-schools</a>
School-Based Prevention Programs, Social Emotional Learning Prevention, OSDE	Provides information and resources regarding social and emotional learning (SEL) including brief definition of SEL, links to prevention and counseling services, and toolkits and guidelines for SEL implementation.	<a href="https://sde.ok.gov/social-emotional-learning-prevention">https://sde.ok.gov/social-emotional-learning-prevention</a>
School Climate Transformation Grant, OSDE	Provides training and technical assistance resources to schools and districts on the implementation of a multi-tiered behavioral framework to improve school climate.	<a href="https://sde.ok.gov/school-climate-transformation-grant">https://sde.ok.gov/school-climate-transformation-grant</a>
<b>Documents</b>		
Absenteeism Toolkit, OSDE	Toolkit provides online resources for preventing chronic absenteeism, best practices for chronic absenteeism prevention, and resources on building and strengthening healthy relationships with students.	<a href="https://sde.ok.gov/absenteeism-tool-kit">https://sde.ok.gov/absenteeism-tool-kit</a>
Model School District Policy for Prevention of Bullying at School, OSDE	Model policy addressing bullying prevention in Oklahoma's schools.	<a href="https://sde.ok.gov/sites/ok.gov.sde/files/OSDE%20Model%20Bullying%20Policy%20Final.pdf">https://sde.ok.gov/sites/ok.gov.sde/files/OSDE%20Model%20Bullying%20Policy%20Final.pdf</a>
Response to Intervention (Rtl) Guidance Document (July 2010), OSDE	Guidance document for educators to develop and implement Rtl in local school districts.	<a href="https://sde.ok.gov/sites/ok.gov.sde/files/RtlGuidanceDoc.pdf">https://sde.ok.gov/sites/ok.gov.sde/files/RtlGuidanceDoc.pdf</a>
Oklahoma Expulsion Prevention Policy (August 2016), Oklahoma Department of Human Services	Guidance document regarding the Oklahoma Expulsion Prevention Policy.	<a href="http://www.okdhs.org/services/cc/Pages/OklahomaExpulsionPreventionPolicy.aspx">http://www.okdhs.org/services/cc/Pages/OklahomaExpulsionPreventionPolicy.aspx</a>
<b>Other Resources</b>		
2020 Statewide Annual Incident Report, OSDE	Annual report of incidents related to substance, violence, firearms, and other weapons.	<a href="https://sde.ok.gov/sites/default/files/documents/files/Statewide-Incident2020_0.pdf">https://sde.ok.gov/sites/default/files/documents/files/Statewide-Incident2020_0.pdf</a>