

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1029

BY: NIEMI, HAMILTON (Jeff),
McCORKELL, STEIDLEY,
THOMPSON, MONSON and
LARASON

AS INTRODUCED

AN ACT RELATING TO SCHOOLS; AMENDING 21 O.S. 1981,
SECTION 844, WHICH RELATES TO ORDINARY FORCE AS A
MEANS OF DISCIPLINE; ELIMINATING CERTAIN ACTS OF
TEACHERS AND OTHER PERSONS AS EXEMPT FROM PURVIEW
OF SECTION 843 OF TITLE 21; AMENDING 70 O.S. 1981,
SECTION 6-114, AS LAST AMENDED BY SECTION 13,
CHAPTER 329, O.S.L. 1985 (70 O.S. SUPP. 1990,
SECTION 6-114), WHICH RELATES TO CONTROL AND
DISCIPLINE OF CHILD; PROVIDING THAT SCHOOL DISTRICT
DISCIPLINE POLICIES CONFORM TO PROVISIONS OF
CERTAIN SECTIONS OF THIS ACT; PROHIBITING CORPORAL
PUNISHMENT AS A MEANS OF DISCIPLINE IN PUBLIC
SCHOOLS; DEFINING CORPORAL PUNISHMENT; SPECIFYING
INSTANCES WHEN REASONABLE AND NECESSARY FORCE MAY
BE USED; REQUIRING THE DEVELOPMENT OF A PLAN
REGARDING DISCIPLINE PROCEDURES; ENCOURAGING
CERTAIN PARENTS TO SEEK CERTAIN ASSISTANCE;
REQUIRING POLICIES TO BE IMPLEMENTED BY
ADMINISTRATORS AND TEACHERS; REQUIRING TEACHERS TO
STUDY NEEDS OF CERTAIN STUDENTS; AMENDING SECTION
38, CHAPTER 2, O.S.L. SUPP. 1989 (70 O.S. SUPP.
1990, SECTION 6-113.1), WHICH RELATES TO MATERIALS

ON EFFECTIVE CLASSROOM DISCIPLINE; SPECIFYING TYPES
OF DISCIPLINE ALTERNATIVES TO BE FURNISHED;
AUTHORIZING STATE DEPARTMENT OF EDUCATION TO
UTILIZE SERVICES AND MATERIALS OF CERTAIN
ORGANIZATIONS; PROVIDING FOR CODIFICATION; AND
PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 21 O.S. 1981, Section 844, is amended to read as follows:

Section 844. Provided, however, that nothing contained in ~~this act~~ Section 843 of this title 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.

SECTION 2. AMENDATORY 70 O.S. 1981, Section 6-114, as last amended by Section 13, Chapter 329, O.S.L. 1985 (70 O.S. Supp. 1990, Section 6-114), is amended to read as follows:

Section 6-114. ~~The~~ A. Consistent with the provisions of Sections 3 and 4 of this act, the local board of education of each school district shall adopt a policy for the control and discipline of all children attending public school in that district. Such policy shall provide options for the methods of control and discipline of the students which shall include options outlined in Sections 3 and 4 of this act and shall define standards of conduct to which students are expected to conform. In formulation of ~~such the~~ the policy, the local board of education shall ~~make an effort to~~ involve the teachers, parents, and students affected. The students, teachers, and parents or guardian of every child residing within a

school district shall be notified by the local board of education of its adoption of the policy and shall receive a copy upon request. Provided, 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 local policies and state law 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.

B. Corporal punishment shall not be employed as a disciplinary measure to any student in the public school system. As used in this subsection, "corporal punishment" means the deliberate infliction of physical pain by any means upon the whole or any part of the body of a pupil as a means of discipline or punishment. This prohibition of corporal punishment shall not prevent:

1. the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control;

2. the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property;

3. the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself;

4. the use of reasonable and necessary force for self-defense or the defense of others; or

5. the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances which are upon the person of the student or within the control of the student provided such use of force conforms to the requirements of Section 24-102 of this title.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-114.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. In addition to the policy that every school district is required to adopt pursuant to Section 6-114 of this title, the administration and faculty in each school shall develop a plan for more effective communication and coordination of the discipline policies and procedures of the school among teachers, counselors, students, parents and administrators. The plan shall include provisions for the periodic review, evaluation and revision of these policies and procedures.

B. Parents of disruptive children should be encouraged by the administration or faculty to seek the assistance of the school counselor and to take any class or program offered by the school district which emphasizes the development of better communication and understanding between parents, their children and teachers.

C. Implementation of the discipline policy and procedures established by the school district pursuant to Section 6-114 of this title should be carried out jointly by the administrators and teachers.

D. Each teacher should carefully study the needs of their students who require much discipline and, to the extent possible, modify curriculum, instructional practices, or materials to fit the needs of the student, or establish or seek placement in alternative programs for students who have chronic behavior problems which result in the student's failure to achieve academically.

SECTION 4. AMENDATORY Section 38, Chapter 2, O.S.L. Supp. 1989 (70 O.S. Supp. 1990, Section 6-113.1), is amended to read as follows:

Section 6-113.1 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. Materials provided to schools shall include, but shall not be limited to, the following alternatives:

1. Removing a child from a situation in a gentle, but firm manner;
2. Problem solving with the child to find an acceptable remedy for misbehavior;
3. Establishing a system to earn privileges;
4. Withdrawing or altering privileges until responsible behavior is exhibited;
5. Removing objects or materials being misused;
6. Using positive reinforcement techniques;
7. Using curriculum materials that teach appropriate behavior skills, including conflict resolution skills;
8. Assigning extra work not associated with class work;
9. Assigning make-up time at times other than regular class or lunch period and;
10. In-school or after-school suspension.

B. The State Department of Education may utilize the services and materials of private, nonprofit organizations which sponsor inservice training on effective classroom management and alternatives to corporal punishment, if such services and materials meet any other requirements required by State Board of Education regulations and state law.

SECTION 5. This act shall become effective September 1, 1991.

43-1-5407

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