

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 291

By: Shurden, Campbell,
Gustafson, Capps and
Martin of the Senate

and

Smith (Dale) of the
House

An Act relating to schools; amending 70 O.S. 1991,
Section 3-104, as last amended by Section 1,
Chapter 378, O.S.L. 1994 (70 O.S. Supp. 1994,
Section 3-104), which relates to the powers and
duties of the State Board of Education; amending 70
O.S. 1991, Section 6-114, which relates to control
and discipline of students; * * * and declaring an
emergency.

AUTHORS: Add the following House Coauthors: Cox and Davis

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

"An Act relating to schools; amending 70 O.S. 1991, Section
6-114, which relates to control and discipline of
students; limiting the State Board of Education's power to
prescribe disciplinary policies or to proscribe corporal
punishment in public schools; providing exception;
limiting Board's authority to require certain reports;
limiting use of certain reports; requiring suspension of
pupils under certain circumstances; defining term;
providing for appeal; providing for codification; and
declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 6-114, is amended to read as follows:

Section 6-114. ~~The local~~ A. Each district board of education shall adopt a policy for the control and discipline of all children attending public school in that district. Such policy shall provide options for the methods of control and discipline of the students and shall define standards of conduct to which students are expected to conform. In ~~formulation of such~~ developing the policy, the ~~local~~ district 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~~ district 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 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. 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 have no 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.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-101.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Any pupil who has been in possession of any firearm while on any public school property or while in any school bus or any other vehicle used by a public school for transportation of students or teachers, shall be suspended by the principal of the school for a period of not less than one (1) calendar year. The principal of the school shall have the authority to modify the suspension requirements of this section on a case-by-case basis.

B. For purposes of this section, the term "firearm" shall mean and include all weapons as defined by 18 U.S.C., Section 921.

C. The right to appeal provisions provided for in Section 24-101 of Title 70 of the Oklahoma Statutes shall apply to suspension provided for in this section.

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

Passed the House of Representatives the 4th day of April, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate