

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 291

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

and

Smith (Dale), Cox and
Davis of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools and crimes; amending 70 O.S. 1991, Sections 6-113 and 6-114, which relate to assault and battery on school employees and the control and discipline of students; modifying language; modifying penalty; providing protected status of certain students; limiting the State Board of Education's power to prescribe disciplinary policies or to prescribe corporal punishment in public schools; providing exception; limiting Board's authority to require certain reports; limiting use of certain reports; requiring suspension of a student for a certain time for possession of a firearm on school property; authorizing the principal to modify suspension requirements in certain cases; providing for certain right to appeal; providing for codification; providing for recodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 6-113, is amended to read as follows:

Section 6-113. A. As used ~~herein, school~~ in this section:

1. "School employee" shall mean any duly appointed person employed by or employees of a firm contracting with a school system for any purpose, including ~~such~~ any personnel not directly related to the teaching process and school board members during school board meetings.

B. ~~Every~~ Any person who, without justifiable or excusable cause and with intent to do bodily harm, ~~knowingly~~ commits any

assault, battery, or assault and battery upon the person of a school employee ~~of a school district or threatens and places such employee in immediate fear of bodily harm~~ while such employee is in the performance of ~~his~~ any duties as a school employee, ~~is punishable or upon any student while such student is participating in any school activity or attending classes on school property during school hours shall, upon conviction, be guilty of a misdemeanor.~~ The convicted person shall be punished by a term of imprisonment in the county jail for a period not exceeding ~~six (6) months~~ one (1) year, or by a fine not exceeding ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. ~~Every~~ Any person who, without justifiable or excusable cause, ~~knowingly~~ commits any aggravated assault and battery upon the person of a school employee while such ~~person~~ employee is in the performance of ~~his~~ any duties as a school employee or upon any student while such student is participating in any school activity or attending classes on school property during school hours shall, upon conviction, be guilty of a felony. The convicted person shall be punished by imprisonment in the custody of the Department of Corrections for a period not exceeding five (5) years, or by imprisonment in the county jail for a period not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 2. 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 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.

SECTION 3. 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 found 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. 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 4. RECODIFICATION 70 O.S. 1991, Section 6-113, as amended by Section 1 of this act, shall be recodified as Section 650.7 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 5. This act shall become effective July 1, 1995.

SECTION 6. 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.

45-1-1285

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