

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1718

By: Calvey

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 1991,
9 Section 6-114, as amended by Section 2, Chapter 241,
10 O.S.L. 1995 (70 O.S. Supp. 1998, Section 6-114),
11 which relates to control and discipline of a child;
12 exempting teachers from civil liability for injuries
13 to a child except under certain circumstances;
14 amending Section 11, Chapter 353, O.S.L. 1995, as
15 last amended by Section 19, Chapter 416, O.S.L. 1998
16 (10 O.S. Supp. 1998, Section 7111), which relates to
17 certain information system; modifying type of
18 information maintained; requiring Department to send
19 certain files to central office for storage;
20 providing for codification; providing an effective
21 date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 1991, Section 6-114, as
24 amended by Section 2, Chapter 241, O.S.L. 1995 (70 O.S. Supp. 1998,
25 Section 6-114), is amended to read as follows:

26 Section 6-114. A. Each district board of education shall adopt
27 a policy for the control and discipline of all children attending
28 public school in that district. Such policy shall provide options
29 for the methods of control and discipline of the students and shall
30 define standards of conduct to which students are expected to
31 conform. In developing the policy, the district board of education
32 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
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

1 guardian to control and discipline such child according to local
2 policies during the time the child is in attendance or in transit to
3 or from the school or any other school function authorized by the
4 school district or classroom presided over by the teacher.

5 B. Except concerning students on individualized education plans
6 (IEP) pursuant to the Individuals with Disabilities Education Act
7 (IDEA), P.L. No. 101-476, the State Board of Education shall not
8 have authority to prescribe student disciplinary policies for school
9 districts or to proscribe corporal punishment in the public schools.
10 The State Board of Education shall not have authority to require
11 school districts to file student disciplinary action reports more
12 often than once each year and shall not use disciplinary action
13 reports in determining a school district's or school site's
14 eligibility for program assistance including competitive grants.

15 C. No teacher shall be held civilly liable for any injury to a
16 child on school grounds or at a school-sponsored function unless
17 that teacher shall first have been convicted of a crime involving
18 the same injury.

19 SECTION 2. AMENDATORY Section 11, Chapter 353, O.S.L.
20 1995, as last amended by Section 19, Chapter 416, O.S.L. 1998 (10
21 O.S. Supp. 1998, Section 7111), is amended to read as follows:

22 Section 7111. A. There is hereby established within the
23 Department of Human Services an information system for the
24 maintenance of all reports of child abuse, sexual abuse, and neglect
25 ~~made pursuant to the provisions of the Oklahoma Child Abuse~~
26 ~~Reporting and Prevention Act~~ in which the perpetrator was convicted
27 in a court of law.

28 B. The Division of Children and Family Services of the
29 Department of Human Services shall be responsible for maintaining a
30 suitably cross-indexed system of all the reports of abuse and
31 neglect in which the perpetrator was convicted in a court of law.
32

1 C. The records maintained shall contain, but shall not be
2 limited to:

3 1. All information in the written report required by Section
4 7103 of this title;

5 2. A record of the final disposition of the report including
6 services offered and services accepted;

7 3. The plan for rehabilitative treatment; and

8 4. Any other relevant information.

9 D. Data and information maintained and related to individual
10 cases shall be confidential and shall be made available only as
11 authorized by state or federal law.

12 E. The Commission for Human Services shall promulgate rules
13 governing the availability of such data and information.

14 F. Rules promulgated by the Commission shall encourage
15 cooperation with other states in exchanging reports in order to
16 effect a national registration system.

17 G. No person shall allow the data and information maintained to
18 be released except as authorized by Article V of the Oklahoma
19 Children's Code.

20 H. Records obtained by the Department shall be maintained by
21 the Department until otherwise provided by law.

22 I. No records of investigations in which the perpetrator was
23 not convicted shall be maintained in the Department's database.

24 SECTION 3. NEW LAW A new section of law to be codified
25 in the Oklahoma Statutes as Section 7111.1 of Title 10, unless there
26 is created a duplication in numbering, reads as follows:

27 At the end of each calendar quarter, every county office of the
28 Department of Human Services shall forward paper files containing
29 information regarding the investigation of reports of alleged abuse
30 or neglect in which the Department determined that there was no
31 identified risk of abuse or neglect to the Department's central
32 office for storage.

1 SECTION 4. This act shall become effective July 1, 1999.

2 SECTION 5. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6

7 47-1-6275 MCD 6/11/15

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32