

Committee Substitute for House Bill No. 1718

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1718 -- By CALVEY and BENGGE of the House and HERBERT of the Senate.

An Act relating to schools; amending 70 O.S. 1991, Section 6-114, as amended by Section 2, Chapter 241, O.S.L. 1995 (70 O.S. Supp. 1998, Section 6-114), which relates to control and discipline of a child; exempting teachers from civil liability for injuries to a child except under certain circumstances; amending Section 11, Chapter 353, O.S.L. 1995, as last amended by Section 19, Chapter 416, O.S.L. 1998 (10 O.S. Supp. 1998, Section 7111), which relates to certain information system; modifying type of information maintained; requiring Department to send certain files to central office for storage; providing for codification; 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 6-114, as amended by Section 2, Chapter 241, O.S.L. 1995 (70 O.S. Supp. 1998, Section 6-114), is amended to read as follows:

Section 6-114. 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 developing the policy, the 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 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.

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

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

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

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

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

1. All information in the written report required by Section 7103 of this title;
2. A record of the final disposition of the report including services offered and services accepted;
3. The plan for rehabilitative treatment; and
4. Any other relevant information.

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

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

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

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

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

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

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

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

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

SECTION 5. 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.

COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-16-99 -- DO PASS, As Coauthored.