

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 737

By: Laughlin

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Section 6-114, as amended by Section 3, Chapter 149, O.S.L. 2002, and as renumbered by Section 5, Chapter 149, O.S.L. 2002 (70 O.S. Supp. 2004, Section 24-100.4), which relates to control and discipline of a child; exempting teachers from civil liability for injuries to a child except under certain circumstances; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 6-114, as amended by Section 3, Chapter 149, O.S.L. 2002, and as renumbered by Section 5, Chapter 149, O.S.L. 2002 (70 O.S. Supp. 2004, Section 24-100.4), is amended to read as follows:

Section 24-100.4 A. Each district board of education shall adopt a policy for the control and discipline of all children attending public school in ~~that~~ the 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. The policy shall specifically prohibit harassment, intimidation, and bullying by students at school and address prevention of and education about such behavior. 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 district 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 subject to civil liability for any injury to a child on school grounds or at a school-sponsored function unless such teacher shall first have been convicted in a municipal, state, or federal court of a crime causally related to the child's injury.

D. The board of education of each school district in this state shall have the option of adopting a dress code for students enrolled in the school district. The board of education of a school district shall also have the option of adopting a dress code which includes school uniforms.

SECTION 2. 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.