

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 3479

By: Nelson

4  
5  
6 AS INTRODUCED

7 An Act relating to schools; declaring certain areas  
8 of public schools a public space or area for purposes  
9 of making an audio recording; clarifying certain  
10 expectations of persons while in the public space or  
11 area of a school; limiting interpretation of certain  
12 provisions; prohibiting certain disclosure of  
13 recorded communications; providing for codification;  
14 and declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 13-114.6 of Title 70, unless  
18 there is created a duplication in numbering, reads as follows:

19 A. Subject to any other provision of law, a public school,  
20 including a classroom, library, work room or any other area in which  
21 educational or other services are being provided to a student with  
22 disabilities who has an individualized education program (IEP) in  
23 accordance with the Individuals with Disabilities Education Act  
24 (IDEA), shall be considered a public area or space, and students or  
the parent of a student shall have the right to make an audio  
recording of oral communications and activities occurring in the

1 public area or space regardless of whether school employees or other  
2 students whose oral communications and activities are recorded have  
3 consented to the recording. For purposes of making an audio  
4 recording as set forth in this subsection, a school employee or  
5 student shall have no reasonable expectation of privacy or  
6 expectation that oral communications are not subject to interception  
7 in the public area or space of a public school while educational or  
8 other services are being provided to students.

9 B. The provisions of subsection A of this section shall not be  
10 interpreted to allow a student or the parent of a student to  
11 interfere with the performance of the duties of a school employee,  
12 violate any applicable laws or violate the private rights of an  
13 individual.

14 C. A student or parent of a student who makes an audio  
15 recording as provided for in this section shall not disclose the  
16 contents of a recorded oral communication of a school employee or  
17 other student in a manner that would violate the private rights of  
18 that employee or student, unless express written consent is granted  
19 by that employee or student.

20 SECTION 2. It being immediately necessary for the preservation  
21 of the public peace, health and safety, an emergency is hereby  
22  
23  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3

4 54-2-9607 KB 01/13/14

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24