

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1028

By: Talley

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,
8 Section 13-116, which relates to corporal punishment;
9 prohibiting use of corporal punishment on certain
10 students; deleting exception for parental waiver; and
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 70 O.S. 2021, Section 13-116, is
14 amended to read as follows:

15 Section 13-116. A. School district personnel shall be
16 prohibited from using corporal punishment on ~~students~~ any student
17 identified with ~~the most significant cognitive disabilities~~
18 ~~according to criteria established by the State Department of~~
19 ~~Education unless addressed in an annual individualized education~~
20 ~~program (IEP) developed a disability~~ in accordance with the
21 Individuals with Disabilities Education Act (IDEA) and Section 504
22 of the Rehabilitation Act of 1973.

1 B. ~~A waiver to the provisions of subsection A of this section~~
2 ~~shall be granted if the parent or legal guardian of a student~~
3 ~~provides written consent.~~

4 ~~C.~~ As used in this section, "corporal punishment" means the
5 deliberate infliction of physical pain by hitting, paddling,
6 spanking, slapping or any other physical force used as a means of
7 discipline.

8 SECTION 2. This act shall become effective November 1, 2023.

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10 59-1-5451 EK 12/19/22

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