

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
BILL NO. 1028

By: Talley, Moore, Munson,
Rosecrants, Waldron, Lepak,
Hefner, Dollens, Townley,
Ranson, Martinez, Stinson,
and Pae of the House

and

Floyd of the Senate

[schools - corporal punishment - exception for
parental waiver - effective date]

13 AUTHOR: Remove as principal Senate author Floyd and substitute as
14 principal Senate author Rader. Retain Floyd as Senate
coauthor

15 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

17 "An Act relating to students; amending 70 O.S. 2021,
18 Section 13-116, which relates to corporal punishment;
19 prohibiting school personnel from using specific
20 types of corporal punishment on students identified
21 with certain disability; providing types of
22 disabilities; prohibiting a disability from including
23 a reason for placement on certain plan; removing
24 language regarding a written consent waiver; removing
definition; providing an effective date; and
declaring an emergency.

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

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

3 Section 13-116. ~~A.~~ School district personnel shall be
4 prohibited from using corporal punishment of hitting, slapping,
5 paddling, or any other means of inflicting physical pain on students
6 identified with the most significant cognitive disabilities
7 according to criteria established by the State Department of
8 Education unless addressed in an annual a disability under state and
9 federal regulations that result in the student being on an
10 individualized education program (IEP) developed in accordance with
11 the Individuals with Disabilities Education Act (IDEA). For the
12 purposes of this section, a disability includes autism, deaf-
13 blindness, deafness, emotional disturbance, hearing impairment,
14 intellectual disability, multiple disabilities, orthopedic
15 impairment, other health impairment, specific learning disability,
16 speech or language impairment, traumatic brain injury, and visual
17 impairment including blindness, as defined by Section 18-109.5 of
18 this title. A disability shall not include a reason for which a
19 student may be placed on a Section 504 Plan as defined by the
20 Rehabilitation Act of 1973.

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

24

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

5 SECTION 2. This act shall become effective July 1, 2024.

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

10 Passed the Senate the 23rd day of April, 2024.

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Presiding Officer of the Senate

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14 Passed the House of Representatives the ____ day of _____,
15 2024.

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Presiding Officer of the House
of Representatives

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4
5 and

6 Floyd of the Senate
7
8

9 [schools - corporal punishment - exception for
10 parental waiver - effective date]
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12

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

14 SECTION 4. AMENDATORY 70 O.S. 2021, Section 13-116, is
15 amended to read as follows:

16 Section 13-116. A. School district personnel shall be
17 prohibited from using corporal punishment on students identified
18 with the most significant cognitive disabilities according to
19 criteria established by the State Department of Education unless
20 addressed in an annual individualized education program (IEP)
21 developed in accordance with the Individuals with Disabilities
22 Education Act (IDEA).
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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 5. This act shall become effective November 1, 2023.

9 Passed the House of Representatives the 20th day of March, 2023.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2023.

Presiding Officer of the Senate