

1 ENGROSSED SENATE  
2 BILL NO. 81

By: Sharp of the Senate

3 and

4 Nollan of the House

5  
6 [ student discipline - out-of-school suspension -  
7 grade level - students guilty of certain acts to  
8 complete certain programs - ~~effective date~~ -  
9 emergency ]

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

11 SECTION 1. AMENDATORY Section 8, Chapter 7, 1st  
12 Extraordinary Session, O.S.L. 2013, as amended by Section 1, Chapter  
13 135, O.S.L. 2015 (70 O.S. Supp. 2016, Section 6-149.7), is amended  
14 to read as follows:

15 Section 6-149.7. A. No student enrolled in a school shall  
16 assault, attempt to cause physical bodily injury, or act in a manner  
17 that could reasonably cause bodily injury to an education employee  
18 or a person who is volunteering for the school. Any student in  
19 grades ~~six~~ three through twelve who violates the provisions of this  
20 section shall be subject to out-of-school suspension as provided for  
21 in Section 24-101.3 of this title. This section shall be in  
22 addition to and does not limit the criminal liability of a person  
23 who causes or commits an assault, battery, or assault and battery

24

1 upon a school employee as provided for in Section 650.7 of Title 21  
2 of the Oklahoma Statutes.

3 B. No education employee shall be liable for the use of  
4 necessary and reasonable force to control and discipline a student  
5 during the time the student is in attendance at the school or in  
6 transit to or from the school, or any other function authorized by  
7 the school district.

8 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-101.3, as  
9 last amended by Section 1, Chapter 90, O.S.L. 2016 (70 O.S. Supp.  
10 2016, Section 24-101.3), is amended to read as follows:

11 Section 24-101.3. A. Any student who is guilty of an act  
12 described in paragraph 1 of subsection C of this section may be  
13 suspended out-of-school in accordance with the provisions of this  
14 section. Each school district board of education shall adopt a  
15 policy with procedures which provides for out-of-school suspension  
16 of students. The policy shall address the term of the out-of-school  
17 suspension, provide an appeals process as described in subsection B  
18 of this section, and provide that before a student is suspended out-  
19 of-school, the school or district administration shall consider and  
20 apply, if appropriate, alternative in-school placement options that  
21 are not to be considered suspension, such as placement in an  
22 alternative school setting, reassignment to another classroom, or  
23 in-school detention. The policy shall address education for  
24 students subject to the provisions of subsection D of this section

1 and whether participation in extracurricular activities shall be  
2 permitted.

3 B. 1. Students suspended out-of-school for ten (10) or fewer  
4 days shall have the right to appeal the decision of the  
5 administration as provided in the policy required in subsection A of  
6 this section. The policy shall specify whether appeals for short-  
7 term suspensions as provided in this subsection shall be to a local  
8 committee composed of district administrators or teachers or both,  
9 or to the district board of education. Upon full investigation of  
10 the matter, the committee or board shall determine the guilt or  
11 innocence of the student and the reasonableness of the term of the  
12 out-of-school suspension. If the policy requires appeals for short-  
13 term suspensions to a committee, the policy adopted by the board  
14 may, but is not required to, provide for appeal of the committee's  
15 decision to the board.

16 2. Students suspended out-of-school for more than ten (10) days  
17 and students suspended pursuant to the provisions of paragraph 2 of  
18 subsection C of this section may request a review of the suspension  
19 with the administration of the district. If the administration does  
20 not withdraw the suspension, the student shall have the right to  
21 appeal the decision of the administration to the district board of  
22 education. Except as otherwise provided for in paragraph 2 of  
23 subsection C of this section, no out-of-school suspension shall  
24 extend beyond the current semester and the succeeding semester.

1 Upon full investigation of the matter, the board shall determine the  
2 guilt or innocence of the student and the reasonableness of the term  
3 of the out-of-school suspension. A board of education may conduct  
4 the hearing and render the final decision or may appoint a hearing  
5 officer to conduct the hearing and render the final decision. The  
6 decision of the district board of education or the hearing officer,  
7 if applicable, shall be final.

8 C. 1. Students who are guilty of any of the following acts may  
9 be suspended out-of-school by the administration of the school or  
10 district:

- 11 a. violation of a school regulation,
- 12 b. possession of an intoxicating beverage, low-point  
13 beer, as defined by Section 163.2 of Title 37 of the  
14 Oklahoma Statutes, or missing or stolen property if  
15 the property is reasonably suspected to have been  
16 taken from a student, a school employee, or the school  
17 during school activities, and
- 18 c. possession of a dangerous weapon or a controlled  
19 dangerous substance while on or within two thousand  
20 (2,000) feet of public school property, or at a school  
21 event, as defined in the Uniform Controlled Dangerous  
22 Substances Act. Possession of a firearm shall result  
23 in out-of-school suspension as provided in paragraph 2  
24 of this subsection.

1           2. Any student found in possession of a firearm while on any  
2 public school property or while in any school bus or other vehicle  
3 used by a public school for transportation of students or teachers  
4 shall be suspended out-of-school for a period of not less than one  
5 (1) year, to be determined by the district board of education  
6 pursuant to the provisions of this section. The term of the  
7 suspension may be modified by the district superintendent on a case-  
8 by-case basis. For purposes of this paragraph the term "firearm"  
9 shall mean and include all weapons as defined by 18 U.S.C., Section  
10 921.

11           3. Any student in grades ~~six~~ three through twelve found to have  
12 assaulted, attempted to cause physical bodily injury, or acted in a  
13 manner that could reasonably cause bodily injury to a school  
14 employee or a person volunteering for a school as prohibited  
15 pursuant to Section ~~6-146~~ 6-149.7 of this title shall be suspended  
16 for the remainder of the current semester and the next consecutive  
17 semester, to be determined by the board of education pursuant to the  
18 provisions of this section. The term of the suspension may be  
19 modified by the district superintendent on a case-by-case basis.

20           D. At its discretion a school district may provide an education  
21 plan for students suspended out-of-school for five (5) or fewer days  
22 pursuant to the provisions of this subsection. The following  
23 provisions shall apply to students who are suspended out-of-school  
24 for more than five (5) days and who are guilty of acts listed in

1 subparagraphs a and b of paragraph 1 of subsection C of this  
2 section. Upon the out-of-school suspension, the parent or guardian  
3 of a student suspended out-of-school pursuant to the provisions of  
4 this subsection shall be responsible for the provision of a  
5 supervised, structured environment in which the parent or guardian  
6 shall place the student and bear responsibility for monitoring the  
7 student's educational progress until the student is readmitted into  
8 school. The school administration shall provide the student with an  
9 education plan designed for the eventual reintegration of the  
10 student into school which provides only for the core units in which  
11 the student is enrolled. A copy of the education plan shall also be  
12 provided to the student's parent or guardian. For the purposes of  
13 this section, the core units shall consist of the minimum English,  
14 mathematics, science, social studies and art units required by the  
15 State Board of Education for grade completion in grades kindergarten  
16 through eight and for high school graduation in grades nine through  
17 twelve. The plan shall set out the procedure for education and  
18 shall address academic credit for work satisfactorily completed.

19 E. A student who has been suspended out-of-school from a public  
20 or private school in the State of Oklahoma or another state for a  
21 violent act or an act showing deliberate or reckless disregard for  
22 the health or safety of faculty or other students shall not be  
23 entitled to enroll in a public school of this state, and no public  
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1 school shall be required to enroll the student, until the terms of  
2 the suspension have been met or the time of suspension has expired.

3 F. 1. No public school of this state shall be required to  
4 provide education services in the regular school setting to any  
5 student who has been:

6 a. adjudicated as a delinquent for an offense defined as  
7 a violent crime in Section 571 of Title 57 of the  
8 Oklahoma Statutes,

9 b. convicted as an adult of an offense defined as a  
10 violent crime in Section 571 of Title 57 of the  
11 Oklahoma Statutes,

12 c. who has been removed from a public or private school  
13 in the State of Oklahoma or another state by  
14 administrative or judicial process for a violent act  
15 or an act showing deliberate or reckless disregard for  
16 the health or safety of faculty or other students,

17 d. suspended as provided for in paragraph 3 of subsection  
18 C of this section, or

19 e. has been removed from a public or private school in  
20 the state or another state by administrative or  
21 judicial process for an act of using electronic  
22 communication, as defined in Section 24-100.3 of this  
23 title, with intent to terrify, intimidate or harass,  
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1           or threaten to inflict injury or physical harm to  
2           faculty or other students.

3           2. The school in which a student as described in paragraph 1 of  
4 this subsection is subsequently enrolled may elect to not provide  
5 education services in the regular school setting until the school  
6 determines that the student no longer poses a threat to self, other  
7 students or school district faculty or employees. Until the school  
8 in which such student subsequently enrolls or re-enrolls determines  
9 that the student no longer poses a threat to self, other students or  
10 school district faculty or employees, the school may provide  
11 education services through an alternative school setting, home-based  
12 instruction, or other appropriate setting. If the school provides  
13 education services to the student at a district school facility, the  
14 school shall notify any student or school district faculty or  
15 employee victims of the student, when known, and shall ensure that  
16 the student will not be allowed in the general vicinity of or  
17 contact with a victim of the student, provided the victim notifies  
18 the school of the victim's desire to refrain from contact with the  
19 offending student.

20           G. Students suspended out-of-school who are on an  
21 individualized education plan pursuant to the Individuals with  
22 Disabilities Education Act, P.L. No. 101-476, or who are subject to  
23 the provisions of subsection F of this section and who are on an  
24 individualized education plan shall be provided the education and



1 related services in accordance with the student's individualized  
2 education plan.

3 H. A student who has been suspended for a violent offense which  
4 is directed towards a classroom teacher shall not be allowed to  
5 return to that teacher's classroom without the approval of that  
6 teacher.

7 I. ~~At its discretion, a~~ A school district ~~may~~ shall require a  
8 student guilty of acts listed in subparagraph a or b of paragraph 1  
9 of subsection C of this section to complete intervention and  
10 prevention programs as provided by designated Youth Service  
11 Agencies, ~~if available~~ or when necessary a mental health provider  
12 contracted with the Department of Mental Health and Substance Abuse  
13 Services.

14 J. No school board, administrator or teacher may be held  
15 civilly liable for any action taken in good faith which is  
16 authorized by this section.

17 ~~SECTION 3. This act shall become effective July 1, 2017.~~

18 ~~SECTION 4. It being immediately necessary for the preservation~~  
19 ~~of the public peace, health or safety, an emergency is hereby~~  
20 ~~declared to exist, by reason whereof this act shall take effect and~~  
21 ~~be in full force from and after its passage and approval.~~

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1 Passed the Senate the 20th day of March, 2017.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2017.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives