

ENROLLED SENATE
BILL NO. 1119

By: Williams (Penny) and Long
(Lewis) of the Senate

and

McCorkell, Ross and Toure
of the House

An Act relating to schools; amending 70 O.S. 1991, Section 24-101, as amended by Section 1, Chapter 150, O.S.L. 1992 (70 O.S. Supp. 1993, Section 24-101), which relates to suspension of students; modifying procedures for suspension of students; authorizing district board of education to adopt policies and procedures for certain appeals of certain suspensions; creating certain committee to hear certain appeals; stating duties of committee; updating certain statutory reference; replacing certain reference with gender neutral reference; requiring provision of certain services; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 24-101, as amended by Section 1, Chapter 150, O.S.L. 1992 (70 O.S. Supp. 1993, Section 24-101), is amended to read as follows:

Section 24-101. A. Any pupil who is guilty of immorality or violation of the regulations of a public school may be suspended by the principal of such school, which suspension shall not extend beyond the current school semester and the succeeding semester, ~~provided, the~~. Unless the district board of education has adopted a policy authorizing appeal to a committee under circumstances as provided in this section and the suspension falls within the category of suspensions to which appeal to a committee is authorized, the suspended pupil ~~suspended~~ shall have the right to appeal from the decision of such principal to the board of education of the district, which shall, upon a full investigation of the matter, determine the guilt or innocence of the pupil and the reasonableness of the term of the suspension, and its decision shall be final. A district board of education may adopt policies and procedures applicable to suspensions of ten (10) or fewer school days, the length of time to be set by the board, by which a pupil shall have the right to appeal the decision of the principal to a committee composed of administrators or teachers or a combination of administrators and teachers. The committee shall, upon full investigation of the matter, determine the guilt or innocence of the pupil and the reasonableness of the term of the suspension. The policy adopted by the board may, but is not required to, provide for appeal of the committee's decision to the board.

B. A pupil who has been suspended from a public or private school in the State of Oklahoma or another state for a violent act

or an act showing deliberate or reckless disregard for the health or safety of faculty or other pupils shall not be entitled to enroll in a public school of this state, and no public school shall be required to enroll such pupil, until the terms of the suspension have been met or the time of suspension has expired.

C. No public school of this state shall be required to provide education services in the regular school setting to any pupil who has been removed from a public or private school in the State of Oklahoma or another state by administrative or judicial process for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other pupils until the school in which such pupil is subsequently enrolled determines that the pupil no longer poses a threat to ~~himself~~ self, other pupils, or faculty. Until the school in which such pupil subsequently enrolls or re-enrolls determines that the pupil no longer poses a threat to ~~himself~~ self, other pupils, or faculty, the school may provide education services through an alternative school setting, home-based instruction, or other appropriate setting. Education and related services for such pupils on an individualized education plan (IEP) pursuant to ~~Public Law 94-142, as amended, 20 U.S.C. Section 1400, et seq.~~ the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, shall be provided the education and related services in accordance with the pupil's individualized education plan.

SECTION 2. This act shall become effective July 1, 1994.

SECTION 3. 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.

Passed the Senate the 25th day of May, 1994.

President of the Senate

Passed the House of Representatives the 26th day of May, 1994.

Speaker of the House of Representatives