

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1301

By: Monson

AS INTRODUCED

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. 1992, Section 24-101), which relates to suspension of students; requiring certain notice and hearing; specifying such notice and hearing; 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. 1992, 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 after adequate notice and hearing, which suspension shall not extend beyond the current school semester and the succeeding semester; ~~provided, the~~. The 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 its decision shall be final.

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, as defined by the State Board of Education, 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 pupil and parent or legal guardian receive notice from the school of the refusal to enroll the pupil and the pupil is provided a hearing. Such hearing shall be provided at the earliest possible time after the pupil and parent or legal guardian have received notice of the refusal by the school to enroll the pupil. The hearing shall be at a minimum an informal meeting between the school principal and the pupil and include a review of statements in support of the charge which is the basis for the suspension and provide the pupil an opportunity to make statements in defense or in mitigation of such suspension. After such hearing, if the school determines the suspension is valid, it shall not be required to enroll the pupil until the terms of the suspension have been met or the time of suspension has expired.

C. ~~No~~ Unless otherwise provided for by the Constitution or Statutes of the State of Oklahoma, 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 as defined by the State Board of Education 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, 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, other pupils, or faculty, the school may provide education services through an alternative school setting, home-based instruction, or other appropriate setting. The school shall on a periodic basis or at the request of the pupil and parents or legal guardian conduct an evaluation of the pupil and review the current circumstances to determine if educational services in the regular school setting should be reinstated. Education 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., shall be provided in accordance with the pupil's individualized education plan.

SECTION 2. This act shall become effective September 1, 1993.

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.

44-1-5661

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