

ENROLLED HOUSE
BILL NO. 1030

By: Worthen of the House

and

Wright, Ford and
Campbell of the Senate

An Act relating to schools; amending 70 O.S. 1991, Section 24-101, as last amended by Section 1, Chapter 375, O.S.L. 1994 (70 O.S. Supp. 1994, Section 24-101), which relates to discipline of students; authorizing schools to refuse to admit a student convicted of certain offenses or adjudicated delinquent for certain offenses; defining term; exempting certain offense; 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 last amended by Section 1, Chapter 375, O.S.L. 1994 (70 O.S. Supp. 1994, 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. 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 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 adjudicated as a delinquent for an offense defined in subsection D of this section as a violent offense or convicted as an adult of an offense defined in subsection D of this section as a violent offense or 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 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 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 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.

D. For purposes of this section, "violent offense" shall include those offenses listed as the exceptions to the term "nonviolent offense" as specified in Section 571 of Title 57 of the Oklahoma Statutes. "Violent offense" shall not include the offense of assault.

SECTION 2. This act shall become effective July 1, 1995.

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 House of Representatives the 17th day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 17th day of May, 1995.

President of the Senate