

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1637

By: Phillips

AS INTRODUCED

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 and 24-102 (70 O.S. Supp. 1994, Section 24-101), which relate to pupil suspensions; deleting state limitation on suspensions; requiring the boards of education to adopt policies regarding the length of student suspensions; authorizing certain alternative education; expanding certain appeals; 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:

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~~ may extend ~~beyond the current school semester and the succeeding semester. Unless the~~ until such time as the suspension policy of the board of education of that school district allows for the return of the pupil. Each school district in this state shall adopt a policy on suspensions of pupils in that district. The district board of education ~~has~~

~~adopted a~~ may provide in the adopted policy authorizing an appeal to
a committee under circumstances as provided in ~~this section and the~~
policy. Unless 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~~ If the district has adopted such a
committee appeal policy, 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 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.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 24-102, is amended to read as follows:

Section 24-102. The superintendent, principal, teacher, or security personnel of any public school in the State of Oklahoma, upon reasonable suspicion, shall have the authority to detain and search or authorize the search, of any pupil or property in the possession of the pupil when said pupil is on any school premises, or while in transit under the authority of the school, or while attending any function sponsored or authorized by the school, for dangerous weapons, controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, intoxicating beverages, nonintoxicating beverages, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, electronic paging devices or for missing or stolen property if said property be reasonably suspected to have been taken from a pupil, a school employee or the school during school activities. The search shall be conducted by a person of the same sex as the person being searched and shall be witnessed by at least one other authorized person, said person to be of the same sex if practicable.

The extent of any search conducted pursuant to this section shall be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. In no event shall a strip search of a student be allowed. No student's clothing, except cold weather outerwear, shall be removed prior to or during the conduct of any warrantless search.

The superintendent, principal, teacher, or security personnel searching or authorizing the search shall have authority to detain the pupil to be searched and to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, nonintoxicating beverages, electronic paging devices or missing or stolen property that might be in the pupil's possession including the authority to authorize any other persons they deem necessary to restrain such pupil or to preserve any dangerous weapons, controlled dangerous substances, intoxicating beverages, nonintoxicating beverages, electronic paging devices or missing or stolen property.

Any pupil found to be in possession of dangerous weapons, controlled dangerous substances, intoxicating beverages, nonintoxicating beverages, electronic paging devices or missing or stolen property may be suspended by the superintendent or principal ~~for a period not to exceed the current school semester and the succeeding semester~~ until such time as the suspension policy of the board of education of that school district allows for the return of the pupil. Any such suspension may be appealed to the board of education of the school district or to a committee, if so authorized by school policy, by any pupil suspended under this section.

Pupils shall not have any reasonable expectation of privacy towards school administrators or teachers in the contents of a school locker, desk, or other school property. School personnel shall have access to school lockers, desks, and other school property in order to properly supervise the welfare of pupils.

School lockers, desks, and other areas of school facilities may be opened and examined by school officials at any time and no reason shall be necessary for such search. Schools shall inform pupils in the student discipline code that they have no reasonable expectation of privacy rights towards school officials in school lockers, desks, or other school property.

SECTION 3. This act shall become effective July 1, 1995.

SECTION 4. 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.

45-1-6085

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