

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1912

By: Newport

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Section 24-101, as last amended by Section 43, Chapter 247, O.S.L. 1996 (70 O.S. Supp. 1996, Section 24-101), which relates to suspension of students; providing for types of suspensions; prohibiting suspended students from participating in certain school activities; allowing a teacher to remove a student from class for certain reasons; providing for suspension of a student removed from class; providing for return of student to the class; 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 43, Chapter 247, O.S.L. 1996 (70 O.S. Supp. 1996, 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, or who has been adjudicated as a delinquent for an offense that is not a violent offense, as defined in subsection ~~E~~ I of this section, may be suspended out-of-school by the principal of such school only pursuant to the provisions of this subsection. The suspension shall

not extend beyond the current school semester and the succeeding semester. A pupil suspended out-of-school pursuant to this subsection shall be placed in a supervised, structured environment in either another appropriate classroom, in-school suspension, an alternative school setting or a home-based school work assignment setting or another appropriate setting in accordance with a plan prescribed by the school administration that provides education to and monitoring of the student, which shall be complied with by the parent or legal guardian. The terms of the suspension also may prohibit the pupil from attending or participating in a school-sponsored or school-related activity.

B. A teacher may remove from class a pupil:

1. Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the pupils in the class or with the ability of the pupil's classmates to learn; or

2. Whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the pupils in the class or with the ability of the pupil's classmates to learn.

C. If a teacher removes a pupil from class under subsection B of this section, the principal may suspend the pupil pursuant to subsection A of this section. The principal may not return the pupil to that teacher's class without the teacher's consent unless a district appeals committee authorized by the district board of education or the district board of education itself determines that such placement is the most appropriate or only alternative available. The terms of the removal may prohibit the pupil from attending or participating in a school-sponsored or school-related activity.

D. A teacher shall remove from class a pupil who engages in conduct described in subsection H of this section. The principal

may suspend the student pursuant to subsection A of this section.
The student may not be returned to that teacher's class without the
teacher's consent unless a district appeals committee authorized by
the district board of education or the district board of education
itself determines that such placement is the most appropriate or
only alternative available.

E. Unless the district board of education has adopted a policy authorizing appeal to a committee under circumstances as provided in this section and the out-of-school 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 out-of-school suspension 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 out-of-school 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 out-of-school 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.~~ F. Before a pupil is suspended out-of-school, pursuant to subsection A of this section, the principal shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom or in-school detention.

~~C.~~ G. A pupil who has been suspended out-of-school 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.

~~D.~~ H. 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 ~~E~~ I of this section as a violent offense or convicted as an adult of an offense defined in subsection ~~E~~ I 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.

~~E.~~ I. 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. 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.

46-1-5248

KB