

3 Senate Bill No. 1597
4 As Amended

5 SENATE BILL NO. 1597 - By: LASTER of the Senate and HARRISON of the
6 House.

7 [schools - out-of-school suspensions - effective date -
8 emergency]

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

10 SECTION 1. AMENDATORY 70 O.S. 2001, Section 24-101.3, as
11 amended by Section 1, Chapter 182, O.S.L. 2003 (70 O.S. Supp. 2005,
12 Section 24-101.3), is amended to read as follows:

13 Section 24-101.3 A. Any student who is guilty of an act
14 described in paragraph 1 of subsection C of this section may be
15 suspended out-of-school in accordance with the provisions of this
16 section. Each school district board of education shall adopt a
17 policy with procedures which provides for out-of-school suspension
18 of students. The policy shall address the term of the out-of-school
19 suspension, provide an appeals process as described in subsection B
20 of this section, and provide that before a student is suspended out-
21 of-school, the school or district administration shall consider and
22 apply, if appropriate, alternative in-school placement options that
23 are not to be considered suspension, such as placement in an
24 alternative school setting, reassignment to another classroom, or

1 in-school detention. The policy shall address education for
2 students subject to the provisions of subsection D of this section
3 and whether participation in extracurricular activities shall be
4 permitted.

5 B. 1. Students suspended out-of-school for ten (10) or fewer
6 days shall have the right to appeal the decision of the
7 administration as provided in the policy required in subsection A of
8 this section. The policy shall specify whether appeals for short-
9 term suspensions as provided in this subsection shall be to a local
10 committee composed of district administrators or teachers or both,
11 or to the district board of education. Upon full investigation of
12 the matter, the committee or board shall determine the guilt or
13 innocence of the student and the reasonableness of the term of the
14 out-of-school suspension. If the policy requires appeals for short-
15 term suspensions to a committee, the policy adopted by the board
16 may, but is not required to, provide for appeal of the committee's
17 decision to the board.

18 2. Students suspended out-of-school for more than ten (10) days
19 and students suspended pursuant to the provisions of paragraph 2 of
20 subsection C of this section may request a review of the suspension
21 with the administration of the district. If the administration does
22 not withdraw the suspension, the student shall have the right to
23 appeal the decision of the administration to the district board of

1 education. Except as otherwise provided for in paragraph 2 of
2 subsection C of this section, no out-of-school suspension shall
3 extend beyond the current semester and the succeeding semester.
4 Upon full investigation of the matter, the board shall determine the
5 guilt or innocence of the student and the reasonableness of the term
6 of the out-of-school suspension. A board of education may conduct
7 the hearing and render the final decision or may appoint a hearing
8 officer to conduct the hearing and render the final decision. The
9 decision of the district board of education or the hearing officer,
10 if applicable, shall be final.

11 C. 1. Students who are guilty of any of the following acts may
12 be suspended out-of-school by the administration of the school or
13 district:

- 14 a. violation of a school regulation,
- 15 b. immorality,
- 16 c. adjudication as a delinquent for an offense that is
17 not a violent offense. For the purposes of this
18 section, "violent offense" shall include those
19 offenses listed as the exceptions to the term
20 "nonviolent offense" as specified in Section 571 of
21 Title 57 of the Oklahoma Statutes. "Violent offense"
22 shall include the offense of assault with a dangerous
23 weapon but shall not include the offense of assault,

- 1 d. possession of an intoxicating beverage, low-point
2 beer, as defined by Section 163.2 of Title 37 of the
3 Oklahoma Statutes, or missing or stolen property if
4 the property is reasonably suspected to have been
5 taken from a student, a school employee, or the school
6 during school activities, and
- 7 e. possession of a dangerous weapon or a controlled
8 dangerous substance, as defined in the Uniform
9 Controlled Dangerous Substances Act. Possession of a
10 firearm shall result in out-of-school suspension as
11 provided in paragraph 2 of this subsection.

12 2. Any student found in possession of a firearm while on any
13 public school property or while in any school bus or other vehicle
14 used by a public school for transportation of students or teachers
15 shall be suspended out-of-school for a period of not less than one
16 (1) year, to be determined by the district board of education
17 pursuant to the provisions of this section. The term of the
18 suspension may be modified by the district superintendent on a case-
19 by-case basis. For purposes of this paragraph the term "firearm"
20 shall mean and include all weapons as defined by 18 U.S.C., Section
21 921.

22 D. At its discretion a school district may provide an education
23 plan for students suspended out-of-school for five (5) or fewer days

1 pursuant to the provisions of this subsection. The following
2 provisions shall apply to students who are suspended out-of-school
3 for more than five (5) days and who are guilty of acts listed in
4 subparagraphs a, b, c and d of paragraph 1 of subsection C of this
5 section. Upon the out-of-school suspension, the parent or guardian
6 of a student suspended out-of-school pursuant to the provisions of
7 this subsection shall be responsible for the provision of a
8 supervised, structured environment in which the parent or guardian
9 shall place the student and bear responsibility for monitoring the
10 student's educational progress until the student is readmitted into
11 school. The school administration shall provide the student with an
12 education plan designed for the eventual reintegration of the
13 student into school which provides only for the core units in which
14 the student is enrolled. A copy of the education plan shall also be
15 provided to the student's parent or guardian. For the purposes of
16 this section, the core units shall consist of the minimum English,
17 mathematics, science, social studies and art units required by the
18 State Board of Education for grade completion in grades kindergarten
19 through eight and for high school graduation in grades nine through
20 twelve. The plan shall set out the procedure for education and
21 shall address academic credit for work satisfactorily completed.

22 E. A student who has been suspended out-of-school from a public
23 or private school in the State of Oklahoma or another state for a

1 violent act or an act showing deliberate or reckless disregard for
2 the health or safety of faculty or other students shall not be
3 entitled to enroll in a public school of this state, and no public
4 school shall be required to enroll the student, until the terms of
5 the suspension have been met or the time of suspension has expired.

6 F. No public school of this state shall be required to provide
7 education services in the regular school setting to any student who
8 has been adjudicated as a delinquent for an offense defined in
9 Section 571 of Title 57 of the Oklahoma Statutes as an exception to
10 a nonviolent offense or convicted as an adult of an offense defined
11 in Section 571 of Title 57 of the Oklahoma Statutes as an exception
12 to a nonviolent offense or who has been removed from a public or
13 private school in the State of Oklahoma or another state by
14 administrative or judicial process for a violent act or an act
15 showing deliberate or reckless disregard for the health or safety of
16 faculty or other students until the school in which the student is
17 subsequently enrolled determines that the student no longer poses a
18 threat to self, other students or faculty. Until the school in
19 which such student subsequently enrolls or re-enrolls determines
20 that the student no longer poses a threat to self, other students or
21 faculty, the school may provide education services through an
22 alternative school setting, home-based instruction, or other
23 appropriate setting. If the school provides education services to

1 such student at a district school facility, the school shall notify
2 any student or faculty victims of such student, when known, and
3 shall ensure that the student will not be allowed in the general
4 vicinity of or contact with a victim of the student, provided such
5 victim notifies the school of the victim's desire to refrain from
6 contact with the offending student.

7 G. Students suspended out-of-school who are on an
8 individualized education plan pursuant to the Individuals with
9 Disabilities Education Act, P.L. No. 101-476, or who are subject to
10 the provisions of subsection F of this section and who are on an
11 individualized education plan shall be provided the education and
12 related services in accordance with the student's individualized
13 education plan.

14 H. A student who has been suspended for a violent offense which
15 is directed towards a classroom teacher shall not be allowed to
16 return to that teacher's classroom without the approval of that
17 teacher.

18 I. No school board, administrator or teacher may be held
19 civilly liable for any action taken in good faith which is
20 authorized by this section.

21 SECTION 2. This act shall become effective July 1, 2006.

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-13-06 - DO
4 PASS, As Amended and Coauthored.