

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1457

6 By: Brannon

7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 2001,
9 Section 24-101.3, as last amended by Section 2,
10 Chapter 210, O.S.L. 2006 (70 O.S. Supp. 2006, Section
11 24-101.3), which relates to out-of-school
12 suspensions; authorizing adoption of a policy that
13 allows the suspension of students ordered to leave
14 certain athletic events or competitions; and
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2001, Section 24-101.3, as
18 last amended by Section 2, Chapter 210, O.S.L. 2006 (70 O.S. Supp.
19 2006, Section 24-101.3), is amended to read as follows:

20 Section 24-101.3 A. Any student who is guilty of an act
21 described in paragraph 1 of subsection C of this section may be
22 suspended out-of-school in accordance with the provisions of this
23 section. Each school district board of education shall adopt a
24 policy with procedures which provides for out-of-school suspension
of students. The policy shall address the term of the out-of-school

1 suspension, provide an appeals process as described in subsection B
2 of this section, and provide that before a student is suspended out-
3 of-school, the school or district administration shall consider and
4 apply, if appropriate, alternative in-school placement options that
5 are not to be considered suspension, such as placement in an
6 alternative school setting, reassignment to another classroom, or
7 in-school detention. The policy shall address education for
8 students subject to the provisions of subsection D of this section
9 and. The policy shall also address whether ~~participation~~ students
10 who are suspended pursuant to this section are permitted to
11 participate in extracurricular activities shall be permitted. A
12 school district may adopt a policy which provides that if a student
13 is ordered to leave or not attend a school district athletic event
14 or competition, the student may also be suspended out-of-school
15 pursuant to the provisions of this section.

16 B. 1. Students suspended out-of-school for ten (10) or fewer
17 days shall have the right to appeal the decision of the
18 administration as provided in the policy required in subsection A of
19 this section. The policy shall specify whether appeals for short-
20 term suspensions as provided in this subsection shall be to a local
21 committee composed of district administrators or teachers or both,
22 or to the district board of education. Upon full investigation of
23 the matter, the committee or board shall determine the guilt or
24 innocence of the student and the reasonableness of the term of the

1 out-of-school suspension. If the policy requires appeals for short-
2 term suspensions to a committee, the policy adopted by the board
3 may, but is not required to, provide for appeal of the committee's
4 decision to the board.

5 2. Students suspended out-of-school for more than ten (10) days
6 and students suspended pursuant to the provisions of paragraph 2 of
7 subsection C of this section may request a review of the suspension
8 with the administration of the district. If the administration does
9 not withdraw the suspension, the student shall have the right to
10 appeal the decision of the administration to the district board of
11 education. Except as otherwise provided for in paragraph 2 of
12 subsection C of this section, no out-of-school suspension shall
13 extend beyond the current semester and the succeeding semester.
14 Upon full investigation of the matter, the board shall determine the
15 guilt or innocence of the student and the reasonableness of the term
16 of the out-of-school suspension. A board of education may conduct
17 the hearing and render the final decision or may appoint a hearing
18 officer to conduct the hearing and render the final decision. The
19 decision of the district board of education or the hearing officer,
20 if applicable, shall be final.

21 C. 1. Students who are guilty of any of the following acts may
22 be suspended out-of-school by the administration of the school or
23 district:

24 a. violation of a school regulation,

- 1 b. immorality,
- 2 c. adjudication as a delinquent for an offense that is
- 3 not a violent offense. For the purposes of this
- 4 section, "violent offense" shall include those
- 5 offenses listed as the exceptions to the term
- 6 "nonviolent offense" as specified in Section 571 of
- 7 Title 57 of the Oklahoma Statutes. "Violent offense"
- 8 shall include the offense of assault with a dangerous
- 9 weapon but shall not include the offense of assault,
- 10 d. possession of an intoxicating beverage, low-point
- 11 beer, as defined by Section 163.2 of Title 37 of the
- 12 Oklahoma Statutes, or missing or stolen property if
- 13 the property is reasonably suspected to have been
- 14 taken from a student, a school employee, or the school
- 15 during school activities, and
- 16 e. possession of a dangerous weapon or a controlled
- 17 dangerous substance, as defined in the Uniform
- 18 Controlled Dangerous Substances Act. Possession of a
- 19 firearm shall result in out-of-school suspension as
- 20 provided in paragraph 2 of this subsection.

21 2. Any student found in possession of a firearm while on any

22 public school property or while in any school bus or other vehicle

23 used by a public school for transportation of students or teachers

24 shall be suspended out-of-school for a period of not less than one

1 (1) year, to be determined by the district board of education
2 pursuant to the provisions of this section. The term of the
3 suspension may be modified by the district superintendent on a case-
4 by-case basis. For purposes of this paragraph the term "firearm"
5 shall mean and include all weapons as defined by 18 U.S.C., Section
6 921.

7 D. At its discretion a school district may provide an education
8 plan for students suspended out-of-school for five (5) or fewer days
9 pursuant to the provisions of this subsection. The following
10 provisions shall apply to students who are suspended out-of-school
11 for more than five (5) days and who are guilty of acts listed in
12 subparagraphs a, b, c and d of paragraph 1 of subsection C of this
13 section. Upon the out-of-school suspension, the parent or guardian
14 of a student suspended out-of-school pursuant to the provisions of
15 this subsection shall be responsible for the provision of a
16 supervised, structured environment in which the parent or guardian
17 shall place the student and bear responsibility for monitoring the
18 student's educational progress until the student is readmitted into
19 school. The school administration shall provide the student with an
20 education plan designed for the eventual reintegration of the
21 student into school which provides only for the core units in which
22 the student is enrolled. A copy of the education plan shall also be
23 provided to the student's parent or guardian. For the purposes of
24 this section, the core units shall consist of the minimum English,

1 mathematics, science, social studies and art units required by the
2 State Board of Education for grade completion in grades kindergarten
3 through eight and for high school graduation in grades nine through
4 twelve. The plan shall set out the procedure for education and
5 shall address academic credit for work satisfactorily completed.

6 E. A student who has been suspended out-of-school from a public
7 or private school in the State of Oklahoma or another state for a
8 violent act or an act showing deliberate or reckless disregard for
9 the health or safety of faculty or other students shall not be
10 entitled to enroll in a public school of this state, and no public
11 school shall be required to enroll the student, until the terms of
12 the suspension have been met or the time of suspension has expired.

13 F. No public school of this state shall be required to provide
14 education services in the regular school setting to any student who
15 has been adjudicated as a delinquent for an offense defined in
16 Section 571 of Title 57 of the Oklahoma Statutes as an exception to
17 a nonviolent offense or convicted as an adult of an offense defined
18 in Section 571 of Title 57 of the Oklahoma Statutes as an exception
19 to a nonviolent offense or who has been removed from a public or
20 private school in the State of Oklahoma or another state by
21 administrative or judicial process for a violent act or an act
22 showing deliberate or reckless disregard for the health or safety of
23 faculty or other students until the school in which the student is
24 subsequently enrolled determines that the student no longer poses a

1 threat to self, other students or faculty. Until the school in
2 which such student subsequently enrolls or re-enrolls determines
3 that the student no longer poses a threat to self, other students or
4 faculty, the school may provide education services through an
5 alternative school setting, home-based instruction, or other
6 appropriate setting. If the school provides education services to
7 such student at a district school facility, the school shall notify
8 any student or faculty victims of such student, when known, and
9 shall ensure that the student will not be allowed in the general
10 vicinity of or contact with a victim of the student, provided such
11 victim notifies the school of the victim's desire to refrain from
12 contact with the offending student.

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

20 H. A student who has been suspended for a violent offense which
21 is directed towards a classroom teacher shall not be allowed to
22 return to that teacher's classroom without the approval of that
23 teacher.

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

4 SECTION 2. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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