

STATE OF OKLAHOMA

1st Extraordinary Session of the 54th Legislature (2013)

SENATE BILL 16x

By: Bingman and Sykes of the  
Senate

and

Shannon of the House

AS INTRODUCED

An Act relating to school suspensions; repealing  
Section 84, Chapter 228, O.S.L. 2009; amending 70  
O.S. 2011, Section 24-101.3, as amended by Section 26  
of Enrolled Senate Bill No. 679 of the 1st Session of  
the 54th Oklahoma Legislature, which relates to out-  
of-school suspensions; modifying certain suspension  
requirements; amending 70 O.S. 2011, Section 24-  
101.3, as last amended by Section 2 of this act,  
which relates to out-of-school suspensions; requiring  
out-of-school suspension for certain acts; and  
declaring an emergency.

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

SECTION 1. REPEALER Section 84, Chapter 228, O.S.L.  
2009, is hereby repealed.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-101.3, as  
amended by Section 26 of Enrolled Senate Bill No. 679 of the 1st  
Session of the 54th Oklahoma Legislature, is amended to read as  
follows:

1       Section 24-101.3. A. Any student who is guilty of an act  
2 described in paragraph 1 of subsection C of this section may be  
3 suspended out-of-school in accordance with the provisions of this  
4 section. Each school district board of education shall adopt a  
5 policy with procedures which provides for out-of-school suspension  
6 of students. The policy shall address the term of the out-of-school  
7 suspension, provide an appeals process as described in subsection B  
8 of this section, and provide that before a student is suspended out-  
9 of-school, the school or district administration shall consider and  
10 apply, if appropriate, alternative in-school placement options that  
11 are not to be considered suspension, such as placement in an  
12 alternative school setting, reassignment to another classroom, or  
13 in-school detention. The policy shall address education for  
14 students subject to the provisions of subsection D of this section  
15 and whether participation in extracurricular activities shall be  
16 permitted.

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

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

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

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

- a. violation of a school regulation,
- b. possession of an intoxicating beverage, low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or missing or stolen property if the property is reasonably suspected to have been taken from a student, a school employee, or the school during school activities, and
- c. possession of a dangerous weapon or a controlled dangerous substance while on or within two thousand (2,000) feet of public school property, or at a school event, as defined in the Uniform Controlled Dangerous Substances Act. Possession of a firearm shall result in out-of-school suspension as provided in paragraph 2 of this subsection.

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

1       ~~3. Any student in grades six through twelve found to have~~  
2 ~~assaulted, attempted to cause physical bodily injury, or acted in a~~  
3 ~~manner that could reasonably cause bodily injury to a school~~  
4 ~~employee or a person volunteering for a school as prohibited~~  
5 ~~pursuant to Section 6-146 of this title shall be suspended for the~~  
6 ~~remainder of the current semester and the next consecutive semester,~~  
7 ~~to be determined by the board of education pursuant to the~~  
8 ~~provisions of this section. The term of the suspension may be~~  
9 ~~modified by the district superintendent on a case-by-case basis.~~

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

1 the student is enrolled. A copy of the education plan shall also be  
2 provided to the student's parent or guardian. For the purposes of  
3 this section, the core units shall consist of the minimum English,  
4 mathematics, science, social studies and art units required by the  
5 State Board of Education for grade completion in grades kindergarten  
6 through eight and for high school graduation in grades nine through  
7 twelve. The plan shall set out the procedure for education and  
8 shall address academic credit for work satisfactorily completed.

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

16 F. No public school of this state shall be required to provide  
17 education services in the regular school setting to any student who  
18 has been adjudicated as a delinquent for an offense defined in  
19 Section 571 of Title 57 of the Oklahoma Statutes as an exception to  
20 a nonviolent offense or convicted as an adult of an offense defined  
21 in Section 571 of Title 57 of the Oklahoma Statutes as an exception  
22 to a nonviolent offense, or who has been removed from a public or  
23 private school in the State of Oklahoma or another state by  
24 administrative or judicial process for a violent act or an act

1 showing deliberate or reckless disregard for the health or safety of  
2 faculty or other students, ~~or who has been suspended as provided for~~  
3 ~~in paragraph 3 of subsection C of this section~~ until the school in  
4 which the student is subsequently enrolled determines that the  
5 student no longer poses a threat to self, other students or ~~school~~  
6 ~~district~~ faculty ~~or employees~~. Until the school in which such  
7 student subsequently enrolls or re-enrolls determines that the  
8 student no longer poses a threat to self, other students or ~~school~~  
9 ~~district~~ faculty ~~or employees~~, the school may provide education  
10 services through an alternative school setting, home-based  
11 instruction, or other appropriate setting. If the school provides  
12 education services to such student at a district school facility,  
13 the school shall notify any student or ~~school-district~~ faculty ~~or~~  
14 ~~employee~~ victims of such student, when known, and shall ensure that  
15 the student will not be allowed in the general vicinity of or  
16 contact with a victim of the student, provided such victim notifies  
17 the school of the victim's desire to refrain from contact with the  
18 offending student.

19 G. Students suspended out-of-school who are on an  
20 individualized education plan pursuant to the Individuals with  
21 Disabilities Education Act, P.L. No. 101-476, or who are subject to  
22 the provisions of subsection F of this section and who are on an  
23 individualized education plan shall be provided the education and  
24

1 related services in accordance with the student's individualized  
2 education plan.

3 H. A student who has been suspended for a violent offense which  
4 is directed towards a classroom teacher shall not be allowed to  
5 return to that teacher's classroom without the approval of that  
6 teacher.

7 I. At its discretion, a school district may require a student  
8 guilty of acts listed in subparagraph a or b of paragraph 1 of  
9 subsection C of this section to complete intervention and prevention  
10 programs as provided by designated Youth Service Agencies, if  
11 available.

12 J. No school board, administrator or teacher may be held  
13 civilly liable for any action taken in good faith which is  
14 authorized by this section.

15 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-101.3, as  
16 last amended by Section 2 of this act, is amended to read as  
17 follows:

18 Section 24-101.3. A. Any student who is guilty of an act  
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7 students subject to the provisions of subsection D of this section  
8 and whether participation in extracurricular activities shall be  
9 permitted.

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

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24 and students suspended pursuant to the provisions of paragraph 2 of

1 subsection C of this section may request a review of the suspension  
2 with the administration of the district. If the administration does  
3 not withdraw the suspension, the student shall have the right to  
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21 Oklahoma Statutes, or missing or stolen property if  
22 the property is reasonably suspected to have been  
23 taken from a student, a school employee, or the school  
24 during school activities, and

1           c.   possession of a dangerous weapon or a controlled  
2           dangerous substance while on or within two thousand  
3           (2,000) feet of public school property, or at a school  
4           event, as defined in the Uniform Controlled Dangerous  
5           Substances Act. Possession of a firearm shall result  
6           in out-of-school suspension as provided in paragraph 2  
7           of this subsection.

8           2. Any student found in possession of a firearm while on any  
9   public school property or while in any school bus or other vehicle  
10   used by a public school for transportation of students or teachers  
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21   employee or a person volunteering for a school as prohibited  
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16 to a nonviolent offense ~~or~~, who has been removed from a public or  
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18 administrative or judicial process for a violent act or an act  
19 showing deliberate or reckless disregard for the health or safety of  
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21 in paragraph 3 of subsection C of this section until the school in  
22 which the student is subsequently enrolled determines that the  
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2 guilty of acts listed in subparagraph a or b of paragraph 1 of  
3 subsection C of this section to complete intervention and prevention  
4 programs as provided by designated Youth Service Agencies, if  
5 available.

6 J. No school board, administrator or teacher may be held  
7 civilly liable for any action taken in good faith which is  
8 authorized by this section.

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

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