

1 ENGROSSED SENATE
2 BILL NO. 1435

By: Sharp and Ikley-Freeman of
the Senate

3 and

4 Nollan of the House
5
6

7 An Act relating to student discipline; amending
8 Section 8, Chapter 7, 1st Extraordinary Session,
9 O.S.L. 2013, as amended by Section 1, Chapter 135,
10 O.S.L. 2015 (70 O.S. Supp. 2017, Section 6-149.7),
11 which relates to assault or attempted physical bodily
12 injury on school employees; removing language
13 limiting out-of-school suspension for certain acts to
14 students in certain grades; allowing a school
15 district to adopt alternative disciplinary actions;
16 amending 70 O.S. 2011, Section 24-101.3, as last
17 amended by Section 1, Chapter 90, O.S.L. 2016 (70
18 O.S. Supp. 2017, Section 24-101.3), which relates to
19 out-of-school suspension; removing language limiting
20 out-of-school suspension for certain acts to students
21 in certain grades; updating reference; allowing use
22 of alternative disciplinary actions; allowing a
23 school district to require a student guilty of
24 certain acts to complete certain programs with
certain mental health provider; providing an
effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 8, Chapter 7, 1st
Extraordinary Session, O.S.L. 2013, as amended by Section 1, Chapter
135, O.S.L. 2015 (70 O.S. Supp. 2017, Section 6-149.7), is amended
to read as follows:

1 Section 6-149.7. A. No student enrolled in a school shall
2 assault, attempt to cause physical bodily injury, or act in a manner
3 that could reasonably cause bodily injury to an education employee
4 or a person who is volunteering for the school. Any student ~~in~~
5 ~~grades six through twelve~~ who violates the provisions of this
6 section shall be subject to out-of-school suspension as provided for
7 in Section 24-101.3 of this title. This section shall be in
8 addition to and does not limit the criminal liability of a person
9 who causes or commits an assault, battery, or assault and battery
10 upon a school employee as provided for in Section 650.7 of Title 21
11 of the Oklahoma Statutes.

12 B. No education employee shall be liable for the use of
13 necessary and reasonable force to control and discipline a student
14 during the time the student is in attendance at the school or in
15 transit to or from the school, or any other function authorized by
16 the school district.

17 C. In lieu of out-of-school suspension as provided for in
18 subsection A of this section, a school district may adopt
19 alternative disciplinary actions. Alternative disciplinary actions,
20 offered to parents or legal guardians instead of suspension, may
21 include:

22 1. Reverse suspension, requiring that the parent or legal
23 guardian of the student shadow the student at school for a specified
24 number of days;

1 2. Requiring that the student participate in in-service
2 activities with or without the support of a parent or legal guardian
3 for a specified number of days; or

4 3. Requiring that the student undergo professional counseling.

5 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-101.3, as
6 last amended by Section 1, Chapter 90, O.S.L. 2016 (70 O.S. Supp.
7 2017, Section 24-101.3), is amended to read as follows:

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

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

14 2. Students suspended out-of-school for more than ten (10) days
15 and students suspended pursuant to the provisions of paragraph 2 of
16 subsection C of this section may request a review of the suspension
17 with the administration of the district. If the administration does
18 not withdraw the suspension, the student shall have the right to
19 appeal the decision of the administration to the district board of
20 education. Except as otherwise provided for in paragraph 2 of
21 subsection C of this section, no out-of-school suspension shall
22 extend beyond the current semester and the succeeding semester.
23 Upon full investigation of the matter, the board shall determine the
24 guilt or innocence of the student and the reasonableness of the term

1 of the out-of-school suspension. A board of education may conduct
2 the hearing and render the final decision or may appoint a hearing
3 officer to conduct the hearing and render the final decision. The
4 decision of the district board of education or the hearing officer,
5 if applicable, shall be final.

6 C. 1. Students who are guilty of any of the following acts may
7 be suspended out-of-school by the administration of the school or
8 district:

- 9 a. violation of a school regulation,
- 10 b. 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 c. possession of a dangerous weapon or a controlled
17 dangerous substance while on or within two thousand
18 (2,000) feet of public school property, or at a school
19 event, as defined in the Uniform Controlled Dangerous
20 Substances Act. Possession of a firearm shall result
21 in out-of-school suspension as provided in paragraph 2
22 of this subsection.

23 2. Any student found in possession of a firearm while on any
24 public school property or while in any school bus or other vehicle

1 used by a public school for transportation of students or teachers
2 shall be suspended out-of-school for a period of not less than one
3 (1) year, to be determined by the district board of education
4 pursuant to the provisions of this section. The term of the
5 suspension may be modified by the district superintendent on a case-
6 by-case basis. For purposes of this paragraph the term "firearm"
7 shall mean and include all weapons as defined by 18 U.S.C., Section
8 921.

9 3. Any student ~~in grades six through twelve~~ found to have
10 assaulted, attempted to cause physical bodily injury, or acted in a
11 manner that could reasonably cause bodily injury to a school
12 employee or a person volunteering for a school as prohibited
13 pursuant to Section ~~6-146~~ 6-149.7 of this title shall be suspended
14 for the remainder of the current semester and the next consecutive
15 semester, to be determined by the board of education pursuant to the
16 provisions of this section. The term of the suspension may be
17 modified by the district superintendent on a case-by-case basis, and
18 alternative disciplinary actions may be used in lieu of out-of-
19 school suspension. Alternative disciplinary actions, offered to
20 parents or legal guardians instead of suspension, may include:

21 1. Reverse suspension, requiring that the parent or legal
22 guardian of the student shadow the student at school for a specified
23 number of days;
24

1 2. Requiring that the student participate in in-service
2 activities with or without the support of a parent or legal guardian
3 for a specified number of days; or

4 3. Requiring that the student undergo professional counseling.

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

1 through eight and for high school graduation in grades nine through
2 twelve. The plan shall set out the procedure for education and
3 shall address academic credit for work satisfactorily completed.

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

11 F. 1. No public school of this state shall be required to
12 provide education services in the regular school setting to any
13 student who has been:

14 a. adjudicated as a delinquent for an offense defined as
15 a violent crime in Section 571 of Title 57 of the
16 Oklahoma Statutes,

17 b. convicted as an adult of an offense defined as a
18 violent crime in Section 571 of Title 57 of the
19 Oklahoma Statutes,

20 c. who has been removed from a public or private school
21 in the State of Oklahoma or another state by
22 administrative or judicial process for a violent act
23 or an act showing deliberate or reckless disregard for
24 the health or safety of faculty or other students,

- 1 d. suspended as provided for in paragraph 3 of subsection
2 C of this section, or
- 3 e. has been removed from a public or private school in
4 the state or another state by administrative or
5 judicial process for an act of using electronic
6 communication, as defined in Section 24-100.3 of this
7 title, with intent to terrify, intimidate or harass,
8 or threaten to inflict injury or physical harm to
9 faculty or other students.

10 2. The school in which a student as described in paragraph 1 of
11 this subsection is subsequently enrolled may elect to not provide
12 education services in the regular school setting until the school
13 determines that the student no longer poses a threat to self, other
14 students or school district faculty or employees. Until the school
15 in which such student subsequently enrolls or re-enrolls determines
16 that the student no longer poses a threat to self, other students or
17 school district faculty or employees, the school may provide
18 education services through an alternative school setting, home-based
19 instruction, or other appropriate setting. If the school provides
20 education services to the student at a district school facility, the
21 school shall notify any student or school district faculty or
22 employee victims of the student, when known, and shall ensure that
23 the student will not be allowed in the general vicinity of or
24 contact with a victim of the student, provided the victim notifies

1 the school of the victim's desire to refrain from contact with the
2 offending student.

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

10 H. A student who has been suspended for a violent offense which
11 is directed towards a classroom teacher shall not be allowed to
12 return to that teacher's classroom without the approval of that
13 teacher.

14 I. At its discretion, a school district may require a student
15 guilty of acts listed in subparagraph a or b of paragraph 1 of
16 subsection C of this section to complete intervention and prevention
17 programs as provided by designated Youth Service Agencies, if
18 available, or a mental health provider that is certified with the
19 Department of Mental Health and Substance Abuse Services.

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

23 SECTION 3. This act shall become effective July 1, 2018.
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SECTION 4. It being immediately necessary for the preservation of the public peace, health or 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.

Passed the Senate the 15th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2018.

Presiding Officer of the House
of Representatives