

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 81, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Sharp

Sharp-EB-FS-Req#1591
3/13/2017 4:00 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 81

By: Sharp of the Senate

and

Nollan of the House

FLOOR SUBSTITUTE

An Act relating to student discipline; amending 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. 2016, Section 6-149.7), which relates to out-of-school suspension; lowering the grade level at which students who commit certain acts are subject to out-of-school suspension; amending 70 O.S. 2011, Section 24-101.3, as last amended by Section 1, Chapter 90, O.S.L. 2016 (70 O.S. Supp. 2016, Section 24-101.3), which relates to out-of-school suspensions; lowering the grade level at which students who commit certain acts are subject to out-of-school suspension; requiring rather than allowing students guilty of certain acts to complete certain programs; allowing programs to be offered by certain 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

1 135, O.S.L. 2015 (70 O.S. Supp. 2016, Section 6-149.7), is amended
2 to read as follows:

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

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

19 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-101.3, as
20 last amended by Section 1, Chapter 90, O.S.L. 2016 (70 O.S. Supp.
21 2016, Section 24-101.3), is amended to read as follows:

22 Section 24-101.3. A. Any student who is guilty of an act
23 described in paragraph 1 of subsection C of this section may be
24 suspended out-of-school in accordance with the provisions of this

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

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

1 may, but is not required to, provide for appeal of the committee's
2 decision to the board.

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

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

- 22 a. violation of a school regulation,
- 23 b. possession of an intoxicating beverage, low-point
- 24 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.

3. Any student in grades ~~six~~ three through twelve found to have assaulted, attempted to cause physical bodily injury, or acted in a manner that could reasonably cause bodily injury to a school

1 employee or a person volunteering for a school as prohibited
2 pursuant to Section ~~6-146~~ 6-149.7 of this title shall be suspended
3 for the remainder of the current semester and the next consecutive
4 semester, to be determined by the board of education pursuant to the
5 provisions of this section. The term of the suspension may be
6 modified by the district superintendent on a case-by-case basis.

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 and b 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. 1. No public school of this state shall be required to
14 provide education services in the regular school setting to any
15 student who has been:

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

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

22 c. who has been removed from a public or private school
23 in the State of Oklahoma or another state by
24 administrative or judicial process for a violent act

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

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

1 the student will not be allowed in the general vicinity of or
2 contact with a victim of the student, provided the victim notifies
3 the school of the victim's desire to refrain from contact with the
4 offending student.

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

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

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

1 J. 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 3. This act shall become effective July 1, 2017.

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

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