

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 2161

By: Nollan

AS INTRODUCED

An Act relating to schools; amending Section 8, Chapter 7, 1st Ex. Sess., 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 student assault against an education employee; modifying grade of student who violates certain provision and is 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; modifying grade in which student who violates certain provision shall be suspended from school; and providing an effective date.

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

SECTION 1. AMENDATORY Section 8, Chapter 7, 1st Ex. Sess., O.S.L. 2013, as amended by Section 1, Chapter 135, O.S.L. 2015 (70 O.S. Supp. 2016, Section 6-149.7), is amended to read as follows:

Section 6-149.7 A. No student enrolled in a school shall assault, attempt to cause physical bodily injury, or act in a manner that could reasonably cause bodily injury to an education employee or a person who is volunteering for the school. Any student in grades ~~six~~ three through twelve who violates the provisions of this

1 section shall be subject to out-of-school suspension as provided for
2 in Section 24-101.3 of this title. This section shall be in
3 addition to and does not limit the criminal liability of a person
4 who causes or commits an assault, battery, or assault and battery
5 upon a school employee as provided for in Section 650.7 of Title 21
6 of the Oklahoma Statutes.

7 B. No education employee shall be liable for the use of
8 necessary and reasonable force to control and discipline a student
9 during the time the student is in attendance at the school or in
10 transit to or from the school, or any other function authorized by
11 the school district.

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-101.3, as
13 last amended by Section 1, Chapter 90, O.S.L. 2016 (70 O.S. Supp.
14 2016, Section 24-101.3), is amended to read as follows:

15 Section 24-101.3 A. Any student who is guilty of an act
16 described in paragraph 1 of subsection C of this section may be
17 suspended out-of-school in accordance with the provisions of this
18 section. Each school district board of education shall adopt a
19 policy with procedures which provides for out-of-school suspension
20 of students. The policy shall address the term of the out-of-school
21 suspension, provide an appeals process as described in subsection B
22 of this section, and provide that before a student is suspended out-
23 of-school, the school or district administration shall consider and
24 apply, if appropriate, alternative in-school placement options that

1 are not to be considered suspension, such as placement in an
2 alternative school setting, reassignment to another classroom, or
3 in-school detention. The policy shall address education for
4 students subject to the provisions of subsection D of this section
5 and whether participation in extracurricular activities shall be
6 permitted.

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

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

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

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

- 15 a. violation of a school regulation,
- 16 b. possession of an intoxicating beverage, low-point
17 beer, as defined by Section 163.2 of Title 37 of the
18 Oklahoma Statutes, or missing or stolen property if
19 the property is reasonably suspected to have been
20 taken from a student, a school employee, or the school
21 during school activities, and
- 22 c. possession of a dangerous weapon or a controlled
23 dangerous substance while on or within two thousand
24 (2,000) feet of public school property, or at a school

1 event, as defined in the Uniform Controlled Dangerous
2 Substances Act. Possession of a firearm shall result
3 in out-of-school suspension as provided in paragraph 2
4 of this subsection.

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

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

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

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

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

- 11 a. adjudicated as a delinquent for an offense defined as
12 a violent crime in Section 571 of Title 57 of the
13 Oklahoma Statutes,
- 14 b. convicted as an adult of an offense defined as a
15 violent crime in Section 571 of Title 57 of the
16 Oklahoma Statutes,
- 17 c. who has been removed from a public or private school
18 in the State of Oklahoma or another state by
19 administrative or judicial process for a violent act
20 or an act showing deliberate or reckless disregard for
21 the health or safety of faculty or other students,
- 22 d. suspended as provided for in paragraph 3 of subsection
23 C of this section, or
24

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

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

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

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

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

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

20 SECTION 3. This act shall become effective November 1, 2017.

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