

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2773

By: Osburn (Mike)

AS INTRODUCED

An Act relating to alternative education; 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. 2017, Section 24-101.3), which relates to out-of-school suspensions; directing school district to use risk assessment and rehabilitation records in determining threat of student; specifying types of records to consider; and providing an effective date.

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

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

Section 24-101.3 A. Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-

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

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

22       2. Students suspended out-of-school for more than ten (10) days  
23 and students suspended pursuant to the provisions of paragraph 2 of  
24 subsection C of this section may request a review of the suspension

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

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

- 17 a. violation of a school regulation,
- 18 b. possession of an intoxicating beverage, low-point  
19 beer, as defined by Section 163.2 of Title 37 of the  
20 Oklahoma Statutes, or missing or stolen property if  
21 the property is reasonably suspected to have been  
22 taken from a student, a school employee, or the school  
23 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  
11 shall be suspended out-of-school for a period of not less than one  
12 (1) year, to be determined by the district board of education  
13 pursuant to the provisions of this section. The term of the  
14 suspension may be modified by the district superintendent on a case-  
15 by-case basis. For purposes of this paragraph the term "firearm"  
16 shall mean and include all weapons as defined by 18 U.S.C., Section  
17 921.

18           3. Any student in grades six through twelve found to have  
19 assaulted, attempted to cause physical bodily injury, or acted in a  
20 manner that could reasonably cause bodily injury to a school  
21 employee or a person volunteering for a school as prohibited  
22 pursuant to Section 6-146 of this title shall be suspended for the  
23 remainder of the current semester and the next consecutive semester,  
24 to be determined by the board of education pursuant to the

1 provisions of this section. The term of the suspension may be  
2 modified by the district superintendent on a case-by-case basis.

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

1 twelve. The plan shall set out the procedure for education and  
2 shall address academic credit for work satisfactorily completed.

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

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

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

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

19 c. who has been removed from a public or private school  
20 in the State of Oklahoma or another state by  
21 administrative or judicial process for a violent act  
22 or an act showing deliberate or reckless disregard for  
23 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. As part of the  
15 determination of threat, the school district shall use a validated  
16 risk assessment screener and consider rehabilitation progress  
17 records provided by the student, parent or guardian, treatment  
18 professionals, organizations, governmental agencies and other  
19 professionals involved in the care of the child. Until the school  
20 in which such student subsequently enrolls or re-enrolls determines  
21 that the student no longer poses a threat to self, other students or  
22 school district faculty or employees, the school may provide  
23 education services through an alternative school setting, home-based  
24 instruction, or other appropriate setting. If the school provides

1 education services to the student at a district school facility, the  
2 school shall notify any student or school district faculty or  
3 employee victims of the student, when known, and shall ensure that  
4 the student will not be allowed in the general vicinity of or  
5 contact with a victim of the student, provided the victim notifies  
6 the school of the victim's desire to refrain from contact with the  
7 offending student.

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

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

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



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 2. This act shall become effective November 1, 2018.

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