

1 ENGROSSED HOUSE
2 BILL NO. 2786

By: Vancuren, Phillips and
Echols of the House

3 and

4 Kidd of the Senate

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7 [schools - School Protection Act - providing schools
8 with disciplinary options - effective date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 8, Chapter 7, 1st
14 Extraordinary Session, O.S.L. 2013, as amended by Section 1, Chapter
15 135, O.S.L. 2015 (70 O.S. Supp. 2019, Section 6-149.7), is amended
16 to read as follows:

17 Section 6-149.7 A. No student enrolled in a school shall
18 assault, attempt to cause physical bodily injury, or act in a manner
19 that could reasonably cause bodily injury to an education employee
20 or a person who is volunteering for the school. Any student in
21 grades six through twelve who violates the provisions of this
22 section shall be subject to out-of-school suspension as provided for
23 in Section 24-101.3 of this title. This section shall be in
24 addition to and does not limit the criminal liability of a person

1 who causes or commits an assault, battery, or assault and battery
2 upon a school employee as provided for in Section 650.7 of Title 21
3 of the Oklahoma Statutes.

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

9 C. Any student in grades kindergarten through five who
10 assaults, attempts to cause physical bodily injury, or acts in a
11 manner that could reasonably cause bodily injury to an education
12 employee, a person who is volunteering for the school, or another
13 student shall be subject to any one or more of the following
14 disciplinary actions, in the discretion of the school:

15 1. In-school suspension, either for a period of time set by the
16 school or until the completion of an evaluation pursuant to
17 paragraph 2 or 3 of this subsection;

18 2. Prior to returning to the classroom, evaluation either in
19 person or via teleconference by a representative of or contracted
20 provider for the Oklahoma Department of Mental Health and Substance
21 Abuse Services;

22 3. Prior to returning to the classroom, presentation of a
23 doctor's note reflecting evaluation by a pediatrician determining
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1 whether the student needs counseling or referral to mental health
2 services; or

3 4. Recommendation by the school that the student receive
4 counseling or mental health services and provide proof of completion
5 of such services prior to returning to the classroom.

6 D. Schools shall not be required to provide a pediatric
7 evaluation pursuant to paragraph 3 of subsection C of this section
8 or any counseling, therapy or mental health services recommended
9 pursuant to paragraph 3 or 4 of subsection C of this section.

10 E. Nothing in this section shall prevent a school from
11 utilizing the provisions of Section 24-101.3 of this title.

12 SECTION 2. This act shall become effective November 1, 2020.

13 Passed the House of Representatives the 11th day of March, 2020.

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16 Presiding Officer of the House
of Representatives

17 Passed the Senate the ____ day of _____, 2020.

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20 Presiding Officer of the Senate