

1 ENGROSSED HOUSE
2 BILL NO. 3755

By: Miller and Davis of the
House

3 and

4 Bice of the Senate
5
6

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 24-101.3, as last amended by Section 1,
Chapter 90, O.S.L. 2016 (70 O.S. Supp. 2019, Section
9 24-101.3), which relates to out-of-school
suspensions; removing reference to low-point beer;
10 amending 70 O.S. 2011, Section 24-102, which relates
to searches of pupils; removing reference to low-
11 point beer; amending 70 O.S. 2011, 24-132, which
relates to reporting students who are under the
12 influence of certain substances; removing reference
to low-point beer; amending 70 O.S. 2011, Section 24-
13 138, which relates to written policy for reporting
students under the influence of certain substances;
14 removing references to low-point beer; removing
penalty for failure to file a certain policy;
15 amending 70 O.S. 2011, Section 1210.229-3, which
relates to definitions; removing references to low-
16 point beer; and providing an effective date.
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19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-101.3, as
21 last amended by Section 1, Chapter 90, O.S.L. 2016 (70 O.S. Supp.
22 2019, Section 24-101.3), is amended to read as follows:

23 Section 24-101.3 A. Any student who is guilty of an act
24 described in paragraph 1 of subsection C of this section may be

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

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

1 term suspensions to a committee, the policy adopted by the board
2 may, but is not required to, provide for appeal of the committee's
3 decision to the board.

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

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

23 a. violation of a school regulation,
24

- 1 b. possession of an intoxicating beverage, ~~low point~~
2 ~~beer, as defined by Section 163.2 of Title 37 of the~~
3 ~~Oklahoma Statutes,~~ or missing or stolen property if
4 the property is reasonably suspected to have been
5 taken from a student, a school employee, or the school
6 during school activities, and
- 7 c. possession of a dangerous weapon or a controlled
8 dangerous substance while on or within two thousand
9 (2,000) feet of public school property, or at a school
10 event, as defined in the Uniform Controlled Dangerous
11 Substances Act. Possession of a firearm shall result
12 in out-of-school suspension as provided in paragraph 2
13 of this subsection.

14 2. Any student found in possession of a firearm while on any
15 public school property or while in any school bus or other vehicle
16 used by a public school for transportation of students or teachers
17 shall be suspended out-of-school for a period of not less than one
18 (1) year, to be determined by the district board of education
19 pursuant to the provisions of this section. The term of the
20 suspension may be modified by the district superintendent on a case-
21 by-case basis. For purposes of this paragraph the term "firearm"
22 shall mean and include all weapons as defined by 18 U.S.C., Section
23 921.
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1 3. Any student in grades six through twelve found to have
2 assaulted, attempted to cause physical bodily injury, or acted in a
3 manner that could reasonably cause bodily injury to a school
4 employee or a person volunteering for a school as prohibited
5 pursuant to Section ~~6-146~~ 6-149.7 of this title shall be suspended
6 for the remainder of the current semester and the next consecutive
7 semester, to be determined by the board of education pursuant to the
8 provisions of this section. The term of the suspension may be
9 modified by the district superintendent on a case-by-case basis.

10 D. At its discretion a school district may provide an education
11 plan for students suspended out-of-school for five (5) or fewer days
12 pursuant to the provisions of this subsection. The following
13 provisions shall apply to students who are suspended out-of-school
14 for more than five (5) days and who are guilty of acts listed in
15 subparagraphs a and b of paragraph 1 of subsection C of this
16 section. Upon the out-of-school suspension, the parent or guardian
17 of a student suspended out-of-school pursuant to the provisions of
18 this subsection shall be responsible for the provision of a
19 supervised, structured environment in which the parent or guardian
20 shall place the student and bear responsibility for monitoring the
21 student's educational progress until the student is readmitted into
22 school. The school administration shall provide the student with an
23 education plan designed for the eventual reintegration of the
24 student into school which provides only for the core units in which

1 the student is enrolled. A copy of the education plan shall also be
2 provided to the student's parent or guardian. For the purposes of
3 this section, the core units shall consist of the minimum English,
4 mathematics, science, social studies and art units required by the
5 State Board of Education for grade completion in grades kindergarten
6 through eight and for high school graduation in grades nine through
7 twelve. The plan shall set out the procedure for education and
8 shall address academic credit for work satisfactorily completed.

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

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

- 19 a. adjudicated as a delinquent for an offense defined as
20 a violent crime in Section 571 of Title 57 of the
21 Oklahoma Statutes,
- 22 b. convicted as an adult of an offense defined as a
23 violent crime in Section 571 of Title 57 of the
24 Oklahoma Statutes,

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

2. The school in which a student as described in paragraph 1 of this subsection is subsequently enrolled may elect to not provide education services in the regular school setting until the school determines that the student no longer poses a threat to self, other students or school district faculty or employees. Until the school in which such student subsequently enrolls or re-enrolls determines that the student no longer poses a threat to self, other students or school district faculty or employees, the school may provide education services through an alternative school setting, home-based 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. AMENDATORY 70 O.S. 2011, Section 24-102, is
5 amended to read as follows:

6 Section 24-102. The superintendent, principal, teacher, or
7 security personnel of any public school in the State of Oklahoma,
8 upon reasonable suspicion, shall have the authority to detain and
9 search or authorize the search, of any pupil or property in the
10 possession of the pupil when said pupil is on any school premises,
11 or while in transit under the authority of the school, or while
12 attending any function sponsored or authorized by the school, for
13 dangerous weapons, controlled dangerous substances, as defined in
14 the Uniform Controlled Dangerous Substances Act, intoxicating
15 beverages, ~~low-point beer, as defined by Section 163.2 of Title 37~~
16 ~~of the Oklahoma Statutes,~~ or for missing or stolen property if said
17 property be reasonably suspected to have been taken from a pupil, a
18 school employee or the school during school activities. The search
19 shall be conducted by a person of the same sex as the person being
20 searched and shall be witnessed by at least one other authorized
21 person, said person to be of the same sex if practicable.

22 The extent of any search conducted pursuant to this section
23 shall be reasonably related to the objective of the search and not
24 excessively intrusive in light of the age and sex of the student and

1 the nature of the infraction. In no event shall a strip search of a
2 student be allowed. No student's clothing, except cold weather
3 outerwear, shall be removed prior to or during the conduct of any
4 warrantless search.

5 The superintendent, principal, teacher, or security personnel
6 searching or authorizing the search shall have authority to detain
7 the pupil to be searched and to preserve any dangerous weapons,
8 controlled dangerous substances, intoxicating beverages, ~~low-point~~
9 ~~beer~~, or missing or stolen property that might be in the pupil's
10 possession including the authority to authorize any other persons
11 they deem necessary to restrain such pupil or to preserve any
12 dangerous weapons, controlled dangerous substances, intoxicating
13 beverages, ~~low-point beer~~, or missing or stolen property. Students
14 found to be in possession of such an item shall be subject to the
15 provisions of Section 24-101.3 of this title.

16 Pupils shall not have any reasonable expectation of privacy
17 towards school administrators or teachers in the contents of a
18 school locker, desk, or other school property. School personnel
19 shall have access to school lockers, desks, and other school
20 property in order to properly supervise the welfare of pupils.
21 School lockers, desks, and other areas of school facilities may be
22 opened and examined by school officials at any time and no reason
23 shall be necessary for such search. Schools shall inform pupils in
24 the student discipline code that they have no reasonable expectation

1 of privacy rights towards school officials in school lockers, desks,
2 or other school property.

3 SECTION 3. AMENDATORY 70 O.S. 2011, Section 24-132, is
4 amended to read as follows:

5 Section 24-132. A. Any public school administrator, teacher or
6 counselor having reasonable cause to suspect that a student is under
7 the influence of ~~low point beer as defined in Section 163.2 of Title~~
8 ~~37 of the Oklahoma Statutes,~~ alcoholic beverages ~~as defined in~~
9 ~~Section 506 of Title 37 of the Oklahoma Statutes~~ or a controlled
10 dangerous substance as defined in Section 2-101 of Title 63 of the
11 Oklahoma Statutes or has in the student's possession ~~low point beer,~~
12 alcoholic beverages or a controlled dangerous substance, who reports
13 such information to the appropriate school official, court
14 personnel, community substance abuse prevention and treatment
15 personnel or any law enforcement agency, pursuant to the school's
16 policy shall have immunity from any civil liability that might
17 otherwise be incurred or imposed as a result of the making of such a
18 report.

19 B. Every school authority shall immediately deliver any
20 controlled dangerous substance, removed or otherwise seized from any
21 minor or other person, to a law enforcement authority for
22 appropriate disposition.

23 SECTION 4. AMENDATORY 70 O.S. 2011, Section 24-138, is
24 amended to read as follows:

1 Section 24-138. A. Whenever it appears to any public school
2 teacher that a student may be under the influence of ~~low-point beer~~
3 ~~as defined in Section 163.2 of Title 37 of the Oklahoma Statutes,~~
4 ~~alcoholic beverages as defined in Section 506 of Title 37 of the~~
5 ~~Oklahoma Statutes~~ or a controlled dangerous substance, as defined in
6 Section 2-101 of Title 63 of the Oklahoma Statutes, that teacher
7 shall report the matter, upon recognition, to the school principal
8 or his or her designee. The principal or designee shall immediately
9 notify the superintendent of schools or designee and a parent or
10 legal guardian of the student of the matter.

11 No officer or employee of any public school district or member
12 of any school board shall be subject to any civil liability for any
13 statement, report, or action taken in assisting or referring for
14 assistance to any medical treatment, social service agency or
15 facility or any substance abuse prevention and treatment program any
16 student reasonably believed to be abusing or incapacitated by the
17 use of ~~low-point beer~~, alcoholic beverages or a controlled dangerous
18 substance unless such assistance or referral was made in bad faith
19 or with malicious purpose. No such officer or employee of any
20 public school district, member of any school board, school or school
21 district shall be responsible for any treatment costs incurred by a
22 student as a result of any such assistance or referral to any
23 medical treatment, social service agency or facility, or substance
24 abuse prevention and treatment program.

1 B. Every school district shall have and deliver to each
2 classroom teacher a written policy that such teachers shall follow
3 if they have a student who appears to be under the influence of ~~low~~
4 ~~point beer,~~ alcoholic beverages or a controlled dangerous substance
5 in their classroom. The written policy shall be developed by the
6 local superintendent of schools and adopted by the local board of
7 education. The provisions of subsection A of this section shall be
8 the minimum requirements of such written policy. ~~The written policy~~
9 ~~shall be filed with the office of the State Superintendent of Public~~
10 ~~Instruction within ninety (90) days of the effective date of this~~
11 ~~act. If such filing is not timely made, the public schools in such~~
12 ~~school district shall lose their accreditation until the written~~
13 ~~policy is filed.~~

14 SECTION 5. AMENDATORY 70 O.S. 2011, Section 1210.229-3,
15 is amended to read as follows:

16 Section 1210.229-3 For purposes of the Oklahoma Alcohol and
17 Drug Abuse Prevention and Life Skills Education Act, Section
18 1210.229-1 et seq. of this title:

19 1. "Alcohol" means any ~~low point beer as defined in Section~~
20 ~~163.2 of Title 37 of the Oklahoma Statutes or~~ alcoholic beverage as
21 ~~defined in Section 506 of Title 37 of the Oklahoma Statutes;~~

22 2. "Board" means the State Board of Education;

23 3. "Department" means the State Department of Education;

4. "Drug" means a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes; and

5. "Life skills" includes but is not limited to fostering skills in responsibility, decision making, communication, self-confidence and goal setting. Life skills shall not include values clarification or sex education.

SECTION 6. This act shall become effective November 1, 2020.

Passed the House of Representatives the 2nd day of March, 2020.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2020.

Presiding Officer of the Senate