

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 2786

 By: Vancuren and **Phillips**

7 AS INTRODUCED

8 An Act relating to schools; amending Section 8,
9 Chapter 7, 1st Extraordinary Session, O.S.L. 2013, as
10 amended by Section 1, Chapter 135, O.S.L. 2015 (70
11 O.S. Supp. 2019, Section 6-149.7), which relates to
12 the School Protection Act; providing schools with
13 disciplinary options for certain students who commit
14 violent acts; preventing schools from being required
15 to provide evaluations and recommended services; and
16 providing an effective date.

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

16 SECTION 1. AMENDATORY Section 8, Chapter 7, 1st
17 Extraordinary Session, O.S.L. 2013, as amended by Section 1, Chapter
18 135, O.S.L. 2015 (70 O.S. Supp. 2019, Section 6-149.7), is amended
19 to read as follows:

20 Section 6-149.7 A. No student enrolled in a school shall
21 assault, attempt to cause physical bodily injury, or act in a manner
22 that could reasonably cause bodily injury to an education employee
23 or a person who is volunteering for the school. Any student in
24 grades six 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 C. Any student in grades kindergarten through five who
13 assaults, attempts to cause physical bodily injury, or acts in a
14 manner that could reasonably cause bodily injury to an education
15 employee, a person who is volunteering for the school, or another
16 student shall be subject to any one or more of the following
17 disciplinary actions, in the discretion of the school:

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

21 2. Prior to returning to the classroom, evaluation either in
22 person or via teleconference by a representative of the Oklahoma
23 Department of Mental Health and Substance Abuse Services;
24

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

5 4. Recommendation by the school that the student receive
6 counseling or mental health services prior to returning to the
7 classroom.

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/18/2020
15 - DO PASS, As Coauthored.