

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2786

By: Vancuren

AS INTRODUCED

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

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

SECTION 1. AMENDATORY Section 8, Chapter 7, 1st Extraordinary Session, O.S.L. 2013, as amended by Section 1, Chapter 135, O.S.L. 2015 (70 O.S. Supp. 2019, 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 through twelve who violates the provisions of this section shall be subject to out-of-school suspension as provided for

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

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

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

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

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

23 3. Prior to returning to the classroom, presentation of a
24 doctor's note reflecting evaluation by a pediatrician determining

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 prior to returning to the
5 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 SECTION 2. This act shall become effective November 1, 2020.

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12 57-2-9795 AB 12/23/19
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