

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 3885

7 By: Cantrell

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to schools; amending 70 O.S. 2021,
10 Sections 6-149.7 and 24-101.3, which relate to
11 student suspensions; subjecting certain students in
12 grades three through five to school suspensions;
13 allowing modification of certain suspension terms;
14 mandating certain suspension and expulsion protocols
15 for certain offenses; updating reference; providing
16 an effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2021, Section 6-149.7, is
19 amended 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 three through five who violates the provisions of this
section shall be subject to suspension as provided for in Section
24-101.3 of this title. Such term of suspension may be modified by

1 the district superintendent on a case-by-case basis. Any student in
2 grades six through twelve who violates the provisions of this
3 section shall be subject to out-of-school suspension as provided for
4 in Section 24-101.3 of this title. This section shall be in
5 addition to and does not limit the criminal liability of a person
6 who causes or commits an assault, battery, or assault and battery
7 upon a school employee as provided for in Section 650.7 of Title 21
8 of the Oklahoma Statutes.

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

14 SECTION 2. AMENDATORY 70 O.S. 2021, Section 24-101.3, is
15 amended to read as follows:

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

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

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

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

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

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

- 16 a. violation of a school regulation,
- 17 b. possession of an intoxicating beverage, low-point
18 beer, as defined by Section ~~163.2~~ 1-103 of Title ~~37~~
19 37A of the Oklahoma Statutes, or missing or stolen
20 property if the property is reasonably suspected to
21 have been taken from a student, a school employee, or
22 the school during school activities, and
- 23 c. possession of a dangerous weapon or a controlled
24 dangerous substance while on or within two thousand

1 (2,000) feet of public school property, or at a school
2 event, as defined in the Uniform Controlled Dangerous
3 Substances Act. Possession of a firearm shall result
4 in out-of-school suspension as provided in paragraph 2
5 of this subsection.

6 2. Any student found in possession of a firearm while on any
7 public school property or while in any school bus or other vehicle
8 used by a public school for transportation of students or teachers
9 shall be suspended out-of-school for a period of not less than one
10 (1) year, to be determined by the district board of education
11 pursuant to the provisions of this section. The term of the
12 suspension may be modified by the district superintendent on a case-
13 by-case basis. For purposes of this paragraph the term "firearm"
14 shall mean and include all weapons as defined by 18 U.S.C., Section
15 921.

16 3. a. Any student in grades three through five found to have
17 assaulted, attempted to cause physical bodily injury,
18 or acted in a manner that could reasonably cause
19 bodily injury to a school employee or a person
20 volunteering for a school as prohibited pursuant to
21 Section 6-149.7 of this title shall be suspended in
22 the following manner:
23 (1) a three-day in-school suspension for the first
24 offense occurring in a given school year,

1 (2) a seven-day out-of-school suspension for the
2 second offense occurring in a given school year,
3 and

4 (3) expulsion from the school for a third offense
5 occurring in a given school year.

6 b. Terms of suspension provided in subparagraph a of this
7 paragraph may be modified by the district
8 superintendent on a case-by-case basis.

9 4. Any student in grades six through twelve found to have
10 assaulted, attempted to cause physical bodily injury, or acted in a
11 manner that could reasonably cause bodily injury to a school
12 employee or a person volunteering for a school as prohibited
13 pursuant to Section ~~6-146~~ 6-149.7 of this title shall be suspended
14 for the remainder of the current semester and the next consecutive
15 semester, to be determined by the board of education pursuant to the
16 provisions of this section. The term of the suspension may be
17 modified by the district superintendent on a case-by-case basis.

18 D. At its discretion a school district may provide an education
19 plan for students suspended out-of-school for five (5) or fewer days
20 pursuant to the provisions of this subsection. The following
21 provisions shall apply to students who are suspended out-of-school
22 for more than five (5) days and who are guilty of acts listed in
23 subparagraphs a and b of paragraph 1 of subsection C of this
24 section. Upon the out-of-school suspension, the parent or guardian

1 of a student suspended out-of-school pursuant to the provisions of
2 this subsection shall be responsible for the provision of a
3 supervised, structured environment in which the parent or guardian
4 shall place the student and bear responsibility for monitoring the
5 student's educational progress until the student is readmitted into
6 school. The school administration shall provide the student with an
7 education plan designed for the eventual reintegration of the
8 student into school which provides only for the core units in which
9 the student is enrolled. A copy of the education plan shall also be
10 provided to the student's parent or guardian. For the purposes of
11 this section, the core units shall consist of the minimum English,
12 mathematics, science, social studies and art units required by the
13 State Board of Education for grade completion in grades kindergarten
14 through eight and for high school graduation in grades nine through
15 twelve. The plan shall set out the procedure for education and
16 shall address academic credit for work satisfactorily completed.

17 E. A student who has been suspended out-of-school from a public
18 or private school in the State of Oklahoma or another state for a
19 violent act or an act showing deliberate or reckless disregard for
20 the health or safety of faculty or other students shall not be
21 entitled to enroll in a public school of this state, and no public
22 school shall be required to enroll the student, until the terms of
23 the suspension have been met or the time of suspension has expired.

24

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

4 a. adjudicated as a delinquent for an offense defined as
5 a violent crime in Section 571 of Title 57 of the
6 Oklahoma Statutes,

7 b. convicted as an adult of an offense defined as a
8 violent crime in Section 571 of Title 57 of the
9 Oklahoma Statutes,

10 c. who has been removed from a public or private school
11 in the State of Oklahoma or another state by
12 administrative or judicial process for a violent act
13 or an act showing deliberate or reckless disregard for
14 the health or safety of faculty or other students,

15 d. suspended as provided for in paragraph 3 or 4 of
16 subsection C of this section, or

17 e. has been removed from a public or private school in
18 the state or another state by administrative or
19 judicial process for an act of using electronic
20 communication, as defined in Section 24-100.3 of this
21 title, with intent to terrify, intimidate or harass,
22 or threaten to inflict injury or physical harm to
23 faculty or other students.

1 2. The school in which a student as described in paragraph 1 of
2 this subsection is subsequently enrolled may elect to not provide
3 education services in the regular school setting until the school
4 determines that the student no longer poses a threat to self, other
5 students or school district faculty or employees. Until the school
6 in which such student subsequently enrolls or re-enrolls determines
7 that the student no longer poses a threat to self, other students or
8 school district faculty or employees, the school may provide
9 education services through an alternative school setting, home-based
10 instruction, or other appropriate setting. If the school provides
11 education services to the student at a district school facility, the
12 school shall notify any student or school district faculty or
13 employee victims of the student, when known, and shall ensure that
14 the student will not be allowed in the general vicinity of or
15 contact with a victim of the student, provided the victim notifies
16 the school of the victim's desire to refrain from contact with the
17 offending student.

18 G. Students suspended out-of-school who are on an
19 individualized education plan pursuant to the Individuals with
20 Disabilities Education Act, P.L. No. 101-476, or who are subject to
21 the provisions of subsection F of this section and who are on an
22 individualized education plan shall be provided the education and
23 related services in accordance with the student's individualized
24 education plan.

1 H. A student who has been suspended for a violent offense which
2 is directed towards a classroom teacher shall not be allowed to
3 return to that teacher's classroom without the approval of that
4 teacher.

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

10 J. No school board, administrator or teacher may be held
11 civilly liable for any action taken in good faith which is
12 authorized by this section.

13 SECTION 3. This act shall become effective July 1, 2026.

14 SECTION 4. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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