

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3885

By: Cantrell

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2021, Sections 6-149.7 and 24-101.3, which relate to student suspensions; subjecting certain students in grades three through five to school suspensions; mandating certain suspension and expulsion protocols for certain offenses; updating reference; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, 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 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. 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 in Section 24-101.3 of this

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

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

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

12 Section 24-101.3. A. Any student who is guilty of an act  
13 described in paragraph 1 of subsection C of this section may be  
14 suspended out-of-school in accordance with the provisions of this  
15 section. Each school district board of education shall adopt a  
16 policy with procedures which provides for out-of-school suspension  
17 of students. The policy shall address the term of the out-of-school  
18 suspension, provide an appeals process as described in subsection B  
19 of this section, and provide that before a student is suspended out-  
20 of-school, the school or district administration shall consider and  
21 apply, if appropriate, alternative in-school placement options that  
22 are not to be considered suspension, such as placement in an  
23 alternative school setting, reassignment to another classroom, or  
24 in-school detention. The policy shall address education for

1 students subject to the provisions of subsection D of this section  
2 and whether participation in extracurricular activities shall be  
3 permitted.

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

17 2. Students suspended out-of-school for more than ten (10) days  
18 and students suspended pursuant to the provisions of paragraph 2 of  
19 subsection C of this section may request a review of the suspension  
20 with the administration of the district. If the administration does  
21 not withdraw the suspension, the student shall have the right to  
22 appeal the decision of the administration to the district board of  
23 education. Except as otherwise provided for in paragraph 2 of  
24 subsection C of this section, no out-of-school suspension shall

1 extend beyond the current semester and the succeeding semester.

2 Upon full investigation of the matter, the board shall determine the  
3 guilt or innocence of the student and the reasonableness of the term  
4 of the out-of-school suspension. A board of education may conduct  
5 the hearing and render the final decision or may appoint a hearing  
6 officer to conduct the hearing and render the final decision. The  
7 decision of the district board of education or the hearing officer,  
8 if applicable, shall be final.

9 C. 1. Students who are guilty of any of the following acts may  
10 be suspended out-of-school by the administration of the school or  
11 district:

12 a. violation of a school regulation,

13 b. possession of an intoxicating beverage, low-point  
14 beer, as defined by Section ~~163.2~~ 1-103 of Title ~~37~~  
15 37A of the Oklahoma Statutes, or missing or stolen  
16 property if the property is reasonably suspected to  
17 have been taken from a student, a school employee, or  
18 the school during school activities, and

19 c. possession of a dangerous weapon or a controlled  
20 dangerous substance while on or within two thousand  
21 (2,000) feet of public school property, or at a school  
22 event, as defined in the Uniform Controlled Dangerous  
23 Substances Act. Possession of a firearm shall result  
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1 in out-of-school suspension as provided in paragraph 2  
2 of this subsection.

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

13 3. Any student in grades three through five found to have  
14 assaulted, attempted to cause physical bodily injury, or acted in a  
15 manner that could reasonably cause bodily injury to a school  
16 employee or a person volunteering for a school as prohibited  
17 pursuant to Section 6-149.7 of this title shall be suspended in the  
18 following manner:

- 19 a. a three-day in-school suspension for the first offense  
20 occurring in a given school year,  
21 b. a seven-day out-of-school suspension for the second  
22 offense occurring in a given school year, and  
23 c. expulsion from the school for a third offense  
24 occurring in a given school year.

1        4. 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,

- 1           c.    who has been removed from a public or private school  
2               in the State of Oklahoma or another state by  
3               administrative or judicial process for a violent act  
4               or an act showing deliberate or reckless disregard for  
5               the health or safety of faculty or other students,  
6           d.    suspended as provided for in ~~paragraph~~ paragraphs 3 or  
7               4 of subsection C of this section, or  
8           e.    has been removed from a public or private school in  
9               the state or another state by administrative or  
10              judicial process for an act of using electronic  
11              communication, as defined in Section 24-100.3 of this  
12              title, with intent to terrify, intimidate or harass,  
13              or threaten to inflict injury or physical harm to  
14              faculty or other students.

15           2.   The school in which a student as described in paragraph 1 of  
16 this subsection is subsequently enrolled may elect to not provide  
17 education services in the regular school setting until the school  
18 determines that the student no longer poses a threat to self, other  
19 students or school district faculty or employees. Until the school  
20 in which such student subsequently enrolls or re-enrolls determines  
21 that the student no longer poses a threat to self, other students or  
22 school district faculty or employees, the school may provide  
23 education services through an alternative school setting, home-based  
24 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 3. This act shall become effective July 1, 2026.

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

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