

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2369

By: Murdock

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6 AS INTRODUCED

7 An Act relating to schools; amending Section 8,
8 Chapter 7, 1st Extraordinary Session, O.S.L. 2013, as
9 amended by Section 1, Chapter 135, O.S.L. 2015 (70
10 O.S. Supp. 2015, Section 6-149.7), which relates to
11 student assaults on education employees or
12 volunteers; requiring certain students to be
13 suspended until student is readmitted by district
14 judge; requiring certain notification prior to
15 hearing for student readmittance; prohibiting
16 district judge from readmitting student to same
17 school unless affected education employee or
18 volunteer consents; providing for online resources
19 for special education students if appropriate
20 placement is student's home; prohibiting certain
21 liability of school district; prohibiting education
22 employee from receiving disciplinary action based
23 upon certain actions; providing an effective date;
24 and declaring an emergency.

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. 2015, 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

1 that could reasonably cause bodily injury to an education employee
2 or a person who is volunteering for the school. Any student in
3 grades six through twelve who violates the provisions of this
4 section shall be ~~subject to out-of-school suspension as provided for~~
5 ~~in Section 24-101.3 of this title~~ suspended from school until the
6 student or parent makes application to a judge of the district court
7 in the county in which the school is situated to reapply for
8 admission to the school district. This section shall be in addition
9 to and does not limit the criminal liability of a person who causes
10 or commits an assault, battery, or assault and battery upon a school
11 employee as provided for in Section 650.7 of Title 21 of the
12 Oklahoma Statutes.

13 B. ~~No~~ Upon application for readmission by the student or
14 parent, the district court shall set a hearing within ten (10) days
15 of receipt of the application by the court clerk. The affected
16 education employee or volunteer shall be notified via certified mail
17 of the hearing by the court clerk at least five (5) days in advance
18 of the hearing, and if such individual is an education employee, he
19 or she shall be granted paid leave to attend and testify at the
20 hearing. At the hearing, the judge shall determine if the student
21 may be readmitted to the school district and such hearing shall
22 serve as the student's due process hearing regarding exclusion from
23 the school site. The school district and affected education
24 employee are not required to attend but may submit written

1 information to the judge regarding the incident which the court
2 shall consider when making its determination. A copy of any such
3 submissions shall also be mailed by the school to the student's last
4 known address at least two (2) days prior to the scheduled hearing.
5 Unless the affected education employee or volunteer consents, the
6 student who has violated the provisions of subsection A of this
7 section shall not be readmitted to the school where the education
8 employee or volunteer is assigned and the court shall issue a
9 restraining order prohibiting the student from entering the grounds
10 of such site. If the court determines that the student does not
11 pose a safety threat to other staff or students, the court may order
12 the student to be readmitted to the school district at a different
13 site. Transportation to an alternative site shall be the
14 responsibility of the student and parent. A student's special
15 education status shall not affect the student's exclusion from a
16 school site, and shall be relevant only regarding the program
17 provided to the student at the alternative site or home. If the
18 court believes the student poses an ongoing threat to the safety of
19 students or staff and the student is required to receive special
20 education services, the court may order that an appropriate
21 placement is the student's home using online education resources and
22 the school district shall make those resources available; provided,
23 that the parent or student shall be responsible for securing an

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1 Internet connection and computer equipment necessary to access such
2 material.

3 C. A school district shall not be liable, and no education
4 employee shall be liable nor receive disciplinary action for the use
5 of necessary and reasonable force to control and discipline a
6 student during the time the student is in attendance at the school
7 or in transit to or from the school, or any other function
8 authorized by the school district. No education employee shall
9 receive disciplinary action from his or her employer for making a
10 direct report to a law enforcement authority regarding child abuse,
11 an assault by a student, a threatened assault by a student or other
12 conduct by students or staff that the education employee reasonably
13 believes poses a threat to the safety of staff or students.

14 SECTION 2. This act shall become effective July 1, 2016.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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