

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. In lieu of out-of-school suspension as provided for in
13 subsection A of this section, a school district may adopt
14 alternative disciplinary actions. Alternative disciplinary actions,
15 offered to parents or legal guardians instead of suspension, may
16 include:

17 1. Reverse suspension, requiring that the parent or legal
18 guardian of the student shadow the student at school for a specified
19 number of days;

20 2. Requiring that the student participate in in-service
21 activities with or without the support of a parent or legal guardian
22 for a specified number of days; or

23 3. Requiring that the student undergo professional counseling.
24

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 24-101.3, as
2 last amended by Section 1, Chapter 90, O.S.L. 2016 (70 O.S. Supp.
3 2017, Section 24-101.3), is amended to read as follows:

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

20 B. 1. Students suspended out-of-school for ten (10) or fewer
21 days shall have the right to appeal the decision of the
22 administration as provided in the policy required in subsection A of
23 this section. The policy shall specify whether appeals for short-
24 term suspensions as provided in this subsection shall be to a local

1 committee composed of district administrators or teachers or both,
2 or to the district board of education. Upon full investigation of
3 the matter, the committee or board shall determine the guilt or
4 innocence of the student and the reasonableness of the term of the
5 out-of-school suspension. If the policy requires appeals for short-
6 term suspensions to a committee, the policy adopted by the board
7 may, but is not required to, provide for appeal of the committee's
8 decision to the board.

9 2. Students suspended out-of-school for more than ten (10) days
10 and students suspended pursuant to the provisions of paragraph 2 of
11 subsection C of this section may request a review of the suspension
12 with the administration of the district. If the administration does
13 not withdraw the suspension, the student shall have the right to
14 appeal the decision of the administration to the district board of
15 education. Except as otherwise provided for in paragraph 2 of
16 subsection C of this section, no out-of-school suspension shall
17 extend beyond the current semester and the succeeding semester.
18 Upon full investigation of the matter, the board shall determine the
19 guilt or innocence of the student and the reasonableness of the term
20 of the out-of-school suspension. A board of education may conduct
21 the hearing and render the final decision or may appoint a hearing
22 officer to conduct the hearing and render the final decision. The
23 decision of the district board of education or the hearing officer,
24 if applicable, shall be final.

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

- 4 a. violation of a school regulation,
- 5 b. possession of an intoxicating beverage, low-point
6 beer, as defined by Section 163.2 of Title 37 of the
7 Oklahoma Statutes, or missing or stolen property if
8 the property is reasonably suspected to have been
9 taken from a student, a school employee, or the school
10 during school activities, and
- 11 c. possession of a dangerous weapon or a controlled
12 dangerous substance while on or within two thousand
13 (2,000) feet of public school property, or at a school
14 event, as defined in the Uniform Controlled Dangerous
15 Substances Act. Possession of a firearm shall result
16 in out-of-school suspension as provided in paragraph 2
17 of this subsection.

18 2. Any student found in possession of a firearm while on any
19 public school property or while in any school bus or other vehicle
20 used by a public school for transportation of students or teachers
21 shall be suspended out-of-school for a period of not less than one
22 (1) year, to be determined by the district board of education
23 pursuant to the provisions of this section. The term of the
24 suspension may be modified by the district superintendent on a case-

1 by-case basis. For purposes of this paragraph the term "firearm"
2 shall mean and include all weapons as defined by 18 U.S.C., Section
3 921.

4 3. Any student ~~in grades six through twelve~~ found to have
5 assaulted, attempted to cause physical bodily injury^r or acted in a
6 manner that could reasonably cause bodily injury to a school
7 employee or a person volunteering for a school as prohibited
8 pursuant to Section ~~6-146~~ 6-149.7 of this title shall be suspended
9 for the remainder of the current semester and the next consecutive
10 semester, to be determined by the board of education pursuant to the
11 provisions of this section. The term of the suspension may be
12 modified by the district superintendent on a case-by-case basis, and
13 alternative disciplinary actions may be used in lieu of out-of-
14 school suspension. Alternative disciplinary actions, offered to
15 parents or legal guardians instead of suspension, may include:

16 1. Reverse suspension, requiring that the parent or legal
17 guardian of the student shadow the student at school for a specified
18 number of days;

19 2. Requiring that the student participate in in-service
20 activities with or without the support of a parent or legal guardian
21 for a specified number of days; or

22 3. Requiring that the student undergo professional counseling.

23 D. At its discretion a school district may provide an education
24 plan for students suspended out-of-school for five (5) or fewer days

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

22 E. A student who has been suspended out-of-school from a public
23 or private school in the State of Oklahoma or another state for a
24 violent act or an act showing deliberate or reckless disregard for

1 the health or safety of faculty or other students shall not be
2 entitled to enroll in a public school of this state, and no public
3 school shall be required to enroll the student, until the terms of
4 the suspension have been met or the time of suspension has expired.

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

8 a. adjudicated as a delinquent for an offense defined as
9 a violent crime in Section 571 of Title 57 of the
10 Oklahoma Statutes,

11 b. convicted as an adult of an offense defined as a
12 violent crime in Section 571 of Title 57 of the
13 Oklahoma Statutes,

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

19 d. suspended as provided for in paragraph 3 of subsection
20 C of this section, or

21 e. has been removed from a public or private school in
22 the state or another state by administrative or
23 judicial process for an act of using electronic
24 communication, as defined in Section 24-100.3 of this

1 title, with intent to terrify, intimidate or harass,
2 or threaten to inflict injury or physical harm to
3 faculty or other students.

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

21 G. Students suspended out-of-school who are on an
22 individualized education plan pursuant to the Individuals with
23 Disabilities Education Act, P.L. No. 101-476, or who are subject to
24 the provisions of subsection F of this section and who are on an

1 individualized education plan shall be provided the education and
2 related services in accordance with the student's individualized
3 education plan.

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

8 I. At its discretion, a school district may require a student
9 guilty of acts listed in subparagraph a or b of paragraph 1 of
10 subsection C of this section to complete intervention and prevention
11 programs as provided by designated Youth Service Agencies, if
12 available, or a mental health provider that is certified with the
13 Department of Mental Health and Substance Abuse Services.

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

17 SECTION 3. This act shall become effective July 1, 2018.

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

22
23 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/16/2018
24 - DO PASS, As Amended.