

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 181

By: Sharp

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5
6 AS INTRODUCED

7 An Act relating to student discipline; amending
8 Section 8, Chapter 7, 1st Extraordinary Session,
9 O.S.L. 2013, as amended by Section 1, Chapter 135,
10 O.S.L. 2015 (70 O.S. Supp. 2018, Section 6-149.7),
11 which relates to assault or attempted physical bodily
12 injury on school employees; requiring students in
13 certain grades who commit certain acts to be subject
14 to certain alternative disciplinary actions;
15 requiring a school district to adopt certain
16 alternative disciplinary actions; requiring a student
17 who has committed certain acts to meet with certain
18 counselor or other employee prior to receiving out-
19 of-school suspension or an alternative disciplinary
20 action; amending 70 O.S. 2011, Section 24-101.3, as
21 last amended by Section 1, Chapter 90, O.S.L. 2016
22 (70 O.S. Supp. 2018, Section 24-101.3), which relates
23 to out-of-school suspension; updating reference;
24 requiring students in certain grades who commit
25 certain acts to be subject to certain alternative
26 disciplinary actions; requiring a school district to
27 adopt certain alternative disciplinary actions;
28 requiring a student who has committed certain acts to
29 meet with certain counselor or other employee prior
30 to receiving out-of-school suspension or an
31 alternative disciplinary action; allowing a school
32 district to require a student guilty of certain acts
33 to complete certain programs with certain mental
34 health provider or a provider contracted with certain
35 agency; providing an effective date; and declaring an
36 emergency.

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

2 SECTION 1. AMENDATORY Section 8, Chapter 7, 1st
3 Extraordinary Session, O.S.L. 2013, as amended by Section 1, Chapter
4 135, O.S.L. 2015 (70 O.S. Supp. 2018, Section 6-149.7), is amended
5 to read as follows:

6 Section 6-149.7. A. No student enrolled in a school shall
7 assault, attempt to cause physical bodily injury, or act in a manner
8 that could reasonably cause bodily injury to an education employee
9 or a person who is volunteering for the school. Any student in
10 grades six through twelve who violates the provisions of this
11 section shall be subject to out-of-school suspension as provided for
12 in Section 24-101.3 of this title. This section shall be in
13 addition to and does not limit the criminal liability of a person
14 who causes or commits an assault, battery, or assault and battery
15 upon a school employee as provided for in Section 650.7 of Title 21
16 of the Oklahoma Statutes.

17 B. No education employee shall be liable for the use of
18 necessary and reasonable force to control and discipline a student
19 during the time the student is in attendance at the school or in
20 transit to or from the school, or any other function authorized by
21 the school district.

22 C. 1. Any student in grades kindergarten through five who
23 commits an act described in subsection A of this section shall be
24 subject to alternative disciplinary actions as provided for in this

1 subsection. This section shall be in addition to and does not limit
2 the 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 2. A school district shall adopt alternative disciplinary
6 actions to be offered to parents or legal guardians of students who
7 are subject to the provisions of paragraph 1 of this subsection.

8 Alternative disciplinary actions may include:

- 9 a. reverse suspension, requiring that the parent or legal
10 guardian of the student shadow the student at school
11 for a specified number of days,
- 12 b. requiring that the student participate in in-service
13 activities with or without the support of a parent or
14 legal guardian for a specified number of days, or
- 15 c. requiring that the student undergo professional
16 counseling.

17 D. Any student who has violated the provisions of subsection A
18 or C of this section shall meet with the school district counselor
19 or other school district employee who performs the duties of a
20 counselor prior to receiving out-of-school suspension as provided
21 for in subsection A of this section or an alternative disciplinary
22 action as provided for in subsection C of this section.

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 2018, 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, 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 a maximum of the remainder of the current semester and the next
10 consecutive semester, to be determined by the 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.

14 D. 1. Any student in grades kindergarten through five found to
15 have assaulted, attempted to cause physical bodily injury or acted
16 in a manner that could reasonably cause bodily injury to a school
17 employee or a person volunteering for a school as prohibited
18 pursuant to Section 6-149.7 of this title shall be subject to
19 alternative disciplinary actions.

20 2. A school district shall adopt alternative disciplinary
21 actions to be offered to parents or legal guardians of students who
22 are subject to the provisions of paragraph 1 of this subsection.

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

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

21 ~~F.~~ H. 1. No public school of this state shall be required to
22 provide education services in the regular school setting to any
23 student who has been:
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- a. adjudicated as a delinquent for an offense defined as a violent crime in Section 571 of Title 57 of the Oklahoma Statutes,
- b. convicted as an adult of an offense defined as a violent crime in Section 571 of Title 57 of the Oklahoma Statutes,
- c. who has been removed from a public or private school in the State of Oklahoma or another state by administrative or judicial process for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students,
- d. suspended as provided for in paragraph 3 of subsection C of this section, or
- e. has been removed from a public or private school in the state or another state by administrative or judicial process for an act of using electronic communication, as defined in Section 24-100.3 of this title, with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to faculty or other students.

2. The school in which a student as described in paragraph 1 of this subsection is subsequently enrolled may elect to not provide education services in the regular school setting until the school determines that the student no longer poses a threat to self, other

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

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

21 ~~H.~~ J. A student who has been suspended for a violent offense
22 which is directed towards a classroom teacher shall not be allowed
23 to return to that teacher's classroom without the approval of that
24 teacher.

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1 ~~I.~~ K. At its discretion, a school district may require a
2 student guilty of acts listed in subparagraph a or b of paragraph 1
3 of subsection C of this section to complete intervention and
4 prevention programs as provided by designated Youth Service
5 Agencies, if available, or a mental health provider that is
6 contracted with the Department of Mental Health and Substance Abuse
7 Services or a service provider that is contracted with the
8 Department of Human Services.

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

12 SECTION 3. This act shall become effective July 1, 2019.

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

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