

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1865

By: Shelton

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,  
8 Section 24-101.3, as amended by Section 26, Chapter  
9 404, O.S.L. 2013 (70 O.S. Supp. 2014, Section 24-  
10 101.3), which relates to out-of-school suspensions;  
11 prohibiting the out-of-school suspension of students  
12 in certain elementary grades for certain acts;  
13 requiring school sites to establish a discipline  
14 committee; providing for appointment of members of  
15 the committee; requiring committee to provide other  
16 means of discipline; allowing elementary students to  
17 be suspended out-of-school for certain violations  
18 under certain circumstances; allowing teachers to  
19 remove elementary students from class for certain  
20 acts; providing an effective date; and declaring an  
21 emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 24-101.3, as  
amended by Section 26, Chapter 404, O.S.L. 2013 (70 O.S. Supp. 2014,  
Section 24-101.3), is amended to read as follows:

Section 24-101.3 A. 1. Any student in grades six through  
twelve who is guilty of an act described in paragraph 1 of  
subsection C of this section may be suspended out-of-school in  
accordance with the provisions of this section. Each school

1 district board of education shall adopt a policy with procedures  
2 which provides for out-of-school suspension of students. The policy  
3 shall address the term of the out-of-school suspension, provide an  
4 appeals process as described in subsection B of this section, and  
5 provide that before a student is suspended out-of-school, the school  
6 or district administration shall consider and apply, if appropriate,  
7 alternative in-school placement options that are not to be  
8 considered suspension, such as placement in an alternative school  
9 setting, reassignment to another classroom, or in-school detention.  
10 The policy shall address education for students subject to the  
11 provisions of subsection D of this section and whether participation  
12 in extracurricular activities shall be permitted.

13 2. Except as otherwise provided, a student enrolled in grades  
14 pre-kindergarten through five shall not be suspended out-of-school  
15 for any of the acts described in paragraph 1 of subsection C of this  
16 section. Each school site with students in any or all grades pre-  
17 kindergarten through five shall establish a three-member committee  
18 to determine the discipline of a student in grades pre-kindergarten  
19 through five who is guilty of any of the acts described in paragraph  
20 1 of subsection C of this section. Members of the committee shall  
21 be appointed as follows:

22 a. the teachers employed at the school site shall choose  
23 two teachers to serve as members and one teacher to  
24 serve as an alternate member, and

1           b. the principal of the school site shall choose one  
2           member from the professional staff of the school site.

3           For students in grades prekindergarten through five who are  
4 guilty of any of the acts described in paragraph 1 of subsection C  
5 of this section, the committee shall provide for other means of  
6 discipline that are age appropriate and designed to address and  
7 correct the specific misbehavior of a student. If a principal or  
8 superintendent determines that a student violated subparagraph c of  
9 paragraph 1 of subsection C of this section and that the presence of  
10 the student in the school causes a danger to other students or  
11 school employees, the student may be suspended out-of-school as  
12 provided for in this section. The provisions of this paragraph  
13 shall not prohibit a teacher from removing a student from class for  
14 any acts described in paragraph 1 of subsection C of this section  
15 for the day or longer upon approval of the committee.

16           B. 1. Students suspended out-of-school for ten (10) or fewer  
17 days shall have the right to appeal the decision of the  
18 administration as provided in the policy required in subsection A of  
19 this section. The policy shall specify whether appeals for short-  
20 term suspensions as provided in this subsection shall be to a local  
21 committee composed of district administrators or teachers or both,  
22 or to the district board of education. Upon full investigation of  
23 the matter, the committee or board shall determine the guilt or  
24 innocence of the student and the reasonableness of the term of the

1 out-of-school suspension. If the policy requires appeals for short-  
2 term suspensions to a committee, the policy adopted by the board  
3 may, but is not required to, provide for appeal of the committee's  
4 decision to the board.

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

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

24 a. violation of a school regulation,

1           b. possession of an intoxicating beverage, low-point  
2 beer, as defined by Section 163.2 of Title 37 of the  
3 Oklahoma Statutes, or missing or stolen property if  
4 the property is reasonably suspected to have been  
5 taken from a student, a school employee, or the school  
6 during school activities, and

7           c. possession of a dangerous weapon or a controlled  
8 dangerous substance while on or within two thousand  
9 (2,000) feet of public school property, or at a school  
10 event, as defined in the Uniform Controlled Dangerous  
11 Substances Act. Possession of a firearm shall result  
12 in out-of-school suspension as provided in paragraph 2  
13 of this subsection.

14           2. Any student found in possession of a firearm while on any  
15 public school property or while in any school bus or other vehicle  
16 used by a public school for transportation of students or teachers  
17 shall be suspended out-of-school for a period of not less than one  
18 (1) year, to be determined by the district board of education  
19 pursuant to the provisions of this section. The term of the  
20 suspension may be modified by the district superintendent on a case-  
21 by-case basis. For purposes of this paragraph the term "firearm"  
22 shall mean and include all weapons as defined by 18 U.S.C., Section  
23 921.

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1           3. 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. No public school of this state shall be required to provide  
17 education services in the regular school setting to any student who  
18 has been adjudicated as a delinquent for an offense defined in  
19 Section 571 of Title 57 of the Oklahoma Statutes as an exception to  
20 a nonviolent offense or convicted as an adult of an offense defined  
21 in Section 571 of Title 57 of the Oklahoma Statutes as an exception  
22 to a nonviolent offense, who has been removed from a public or  
23 private school in the State of Oklahoma or another state by  
24 administrative or judicial process for a violent act or an act

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

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



1 related services in accordance with the student's individualized  
2 education plan.

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

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

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

15 SECTION 2. This act shall become effective July 1, 2015.

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

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