

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 126

By: Bullard

AS INTRODUCED

An Act relating to students; amending 70 O.S. 2021, Section 5-144, which relates to notification to school districts; modifying language to direct notification upon charging of certain employees; requiring an arresting law enforcement agency to notify a superintendent if a student has been arrested for certain violent crime; directing notification to be conducted with due regard for certain provisions; directing certain notification and information to be part of a student's permanent records; directing records to be provided to a receiving district; requiring a parent or legal guardian to disclose to a superintendent whether a student has been arrested for certain violent crime; 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 5-144, is amended to read as follows:

Section 5-144. A. If in the course of an investigation it is discovered that a person charged in an information or indictment with a felony or violent misdemeanor is ~~a student or~~ an employee of a school district or a public school in the state, or an employee working on school property for an entity that provides services to a

1 school district or a public school on school property, ~~with due~~
2 ~~regard for the provisions of subsection C of Section 2-6-102 of~~
3 ~~Title 10A of the Oklahoma Statutes~~, the district attorney shall
4 notify the superintendent of the district of the charges filed
5 against the ~~student or~~ employee. In addition to notifying the
6 superintendent of the district when charges have been filed against
7 an employee of the school district, the district attorney shall
8 notify the State Board of Education.

9 B. If in the course of an arrest for a violent crime, as
10 defined by Section 571 of Title 57 of the Oklahoma Statutes, it is
11 discovered that the person being arrested is a student of a school
12 district or public school in this state, the arresting law
13 enforcement agency shall notify the superintendent of the school
14 district or public school in which the student is enrolled. The
15 notification of the arrest and any information regarding the
16 adjudication of the student shall be conducted with due regard for
17 the provisions of subsection C of Section 2-6-102 of Title 10A of
18 the Oklahoma Statutes and shall be kept as part of the student's
19 permanent records and included in the records provided to a
20 receiving district due to a student transfer conducted pursuant to
21 the Education Open Transfer Act.

22 C. Beginning with the 2023-2024 school year, prior to
23 enrollment of a student in a public school in this state, the
24 student's parent or legal guardian shall notify the school if the

1 student has been arrested for a violent crime, as defined by Section
2 571 of Title 57 of the Oklahoma Statutes.

3 D. The school district may take any action it deems necessary
4 that is in compliance with the requirements of the Family
5 Educational Rights and Privacy Act of 1974 with regard to such
6 information.

7 ~~C.~~ E. When an employee of the school district has been
8 convicted, whether upon a verdict or plea of guilty or nolo
9 contendere, or received a suspended sentence or any probationary
10 term for a crime provided for in subparagraph a of paragraph 6 of
11 Section 3-104 of this title, the district court shall notify the
12 State Board of Education of ~~said~~ the conviction, if the district
13 court has discovered during the course of the proceedings that the
14 person is an employee of a school district.

15 SECTION 2. This act shall become effective July 1, 2023.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health, or 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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