

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 126

By: Bullard of the Senate

and

Conley of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to students; amending 70 O.S. 2021,
11 Section 5-144, which relates to notification to
12 school districts; modifying language to direct
13 notification upon charging of certain employees;
14 requiring an arresting law enforcement agency to
15 notify a superintendent if a student has been
16 arrested for certain violent crime; directing
17 notification to be conducted with due regard for
18 certain provisions; directing certain notification
19 and information to be part of a student's permanent
20 records; directing records to be provided to a
21 receiving district under certain circumstances;
22 allowing a request to remove certain information if
23 certain conviction or plea is expunged; requiring a
24 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:

1 Section 5-144. A. If in the course of an investigation it is
2 discovered that a person charged in an information or indictment
3 with a felony or violent misdemeanor is ~~a student or~~ an employee of
4 a school district or a public school in the state, or an employee
5 working on school property for an entity that provides services to a
6 school district or a public school on school property, ~~with due~~
7 ~~regard for the provisions of subsection C of Section 2-6-102 of~~
8 ~~Title 10A of the Oklahoma Statutes~~, the district attorney shall
9 notify the superintendent of the district of the charges filed
10 against the ~~student or~~ employee. In addition to notifying the
11 superintendent of the district when charges have been filed against
12 an employee of the school district, the district attorney shall
13 notify the State Board of Education.

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

1 only be included in the records provided to a receiving district due
2 to a student transfer conducted pursuant to the Education Open
3 Transfer Act if the student is convicted of or pleads guilty or nolo
4 contendere to a violent crime. If a student's conviction or plea of
5 guilty or nolo contendere to a violent crime is expunged pursuant to
6 Sections 18 and 19 of Title 22 of the Oklahoma Statutes, the student
7 or his or her parent or legal guardian may request that the
8 information be removed from the student's permanent records.

9 C. Beginning with the 2023-2024 school year, each school
10 district shall include in its student enrollment and transfer
11 documentation a request for information regarding any arrest of a
12 student for a violent crime, as defined by Section 571 of Title 57
13 of the Oklahoma Statutes. Failure to provide information requested
14 pursuant to this subsection shall not prohibit the enrollment or
15 transfer of a student.

16 D. The school district may take any action it deems necessary
17 that is in compliance with the requirements of the Family
18 Educational Rights and Privacy Act of 1974 with regard to such
19 information.

20 ~~E.~~ E. When an employee of the school district has been
21 convicted, whether upon a verdict or plea of guilty or nolo
22 contendere, or received a suspended sentence or any probationary
23 term for a crime provided for in subparagraph a of paragraph 6 of
24 Section 3-104 of this title, the district court shall notify the

1 State Board of Education of ~~said~~ the conviction, if the district
2 court has discovered during the course of the proceedings that the
3 person is an employee of a school district.

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

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

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