



H.B. 1154

RE: H.B. 1154

SUBJECT: National Criminal History Record Check

House Bill 1154 becomes effective November 1, 2015. This bill changes requirements for background checks and fingerprinting for certain new employees.

- Current law allows local boards of education to request a national criminal history record check and OSBI fingerprinting for any employee or prospective employee. Each local school board is directed to adopt rules regarding the felony search policy for that school district.
- Section 1(H): Exempts a “law enforcement officer” employed by an “employing agency” at the time of application for employment at a public school district to be exempt from the above stated requirements.
 - Section 1(D)(2): Defines “employing agency” as a political subdivision or law enforcement agency in this state.
 - Section 1(D)(3): Defines “law enforcement officer” as a peace or police officer who is certified by the Council on Law Enforcement Education and Training (CLEET).

Should you have any questions related to this bill, please contact Mr. Scott Chisholm, Director of Fingerprinting/Background Checks, at (405) 521-3608 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 5-142

An Act

ENROLLED HOUSE

BILL NO. 1154

By: Montgomery of the House

and

Barrington of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 5-142, as last amended by Section 1, Chapter 32, O.S.L. 2013 (70 O.S. Supp. 2014, Section 5-142), which relates to a national criminal history record check; defining certain terms; providing certain exemption for law enforcement officers; and providing an effective date.

SUBJECT: National criminal history record check

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-142, as last amended by Section 1, Chapter 32, O.S.L. 2013 (70 O.S. Supp. 2014, Section 5-142), is amended to read as follows:

Section 5-142. A. Except as otherwise provided for in subsection F of this section, for purposes of employment, a board of education may request in writing to the State Board of Education that a national criminal history record check be conducted of any employee of the school and shall request such information for any person seeking employment with the school. The Oklahoma State Bureau of Investigation (OSBI) shall obtain fingerprints of the employee or prospective employee and require that the person pay a search fee not to exceed Fifty Dollars (\$50.00) or the cost of the search, whichever is the lesser amount. The fees shall be deposited in the OSBI Revolving Fund. School districts may reimburse employees for the cost of the search. The State Board of Education shall contact the Oklahoma State Bureau of Investigation for any national criminal history record of the person within fourteen (14)

working days of receiving a written request from the board of education.

B. The Oklahoma State Bureau of Investigation shall provide the national criminal history record check requested by the State Board of Education within fourteen (14) working days from the receipt of the request. The Bureau may contact the Federal Bureau of Investigation to obtain the information requested.

C. The State Board of Education shall provide the information received from the Oklahoma State Bureau of Investigation to the board of education within fourteen (14) days from the receipt of the information. The State Board of Education shall provide any follow-up information received from the OSBI concerning a person for which a national criminal history record check was requested to the employing board of education.

D. For the purpose of this section:

1. "Board of education" includes both public and private boards of education within or outside this state;

2. "Employing agency" means a political subdivision or law enforcement agency in this state;

3. "Law enforcement officer" means a peace or police officer who is certified by the Council on Law Enforcement Education and Training;

4. "National criminal history record check" means a national criminal history record check as defined in Section 150.9 of Title 74 of the Oklahoma Statutes; and

~~3-~~ 5. "Prospective employee" means an individual who has received an offer of temporary employment by a school district pending the results of the national criminal history record check.

E. Each public board of education within this state shall promulgate a statement regarding the felony record search policy for that school district. The policy may permit temporary employment of prospective employees for a maximum of sixty (60) days pending receipt of results of national criminal history record check requests. The temporary employment of the prospective employee shall terminate after sixty (60) days unless the school district receives the results of the national criminal history record check.

The sixty-day temporary employment period shall begin on the first day the prospective employee reports for duty at the employing school district. Prospective employees shall be notified of the requirement, the fee and the reimbursement policy when first interviewed concerning employment. The school district's reimbursement policy shall provide, at the minimum, that employees shall be promptly reimbursed in full for the fee if employed by the district at the time the national criminal history record check request is made unless the person was employed pending receipt of results as set forth above.

F. 1. Any person who has been employed as a full-time teacher by a school district in this state and applies for employment as a full-time teacher in another school district in this state may not be required to have a national criminal history record check if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was employed stating the teacher left in good standing.

2. For any person applying for employment as a substitute teacher, a national criminal history record check shall be required for the school year; provided however, a board of education may choose whether to require a national criminal history record check from a prospective substitute teacher who has been employed by the school district in the last year. Any person applying for employment as a substitute teacher in more than one school district shall only be required to have one national criminal history record check, and, upon the request of the substitute teacher, that record check shall be sent to all other school districts in which the substitute teacher is applying to teach.

3. Any person employed as a full-time teacher by a school district in this state in the five (5) years immediately preceding an application for employment as a substitute teacher may not be required to have a national criminal history record check, if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was last employed stating the teacher left in good standing.

4. Any person employed as a substitute teacher by a school district in this state for a minimum of five (5) years immediately preceding an application for employment as a full-time teacher in a school district in this state may not be required to have a national

criminal history record check if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was employed as a substitute teacher stating the teacher left in good standing.

5. Any person employed as a full-time teacher by a school district in this state for ten (10) or more consecutive years immediately preceding an application for employment as a substitute teacher in the same school district may not be required to have a national criminal history record check for as long as the person remains employed for consecutive years by that school district as a substitute teacher, if the teacher left full-time employment in good standing. If the teacher applies for employment as a substitute teacher in another school district, a national criminal history record check shall be required.

G. The provisions of this section shall not apply to technology center employees hired on a part-time or temporary basis for the instruction of adult students only.

H. The provisions of this section shall not apply to law enforcement officers who are employed by an employing agency at the time of application for employment at a public school district.

I. Nothing in this section shall be construed to impose liability on school districts, except in negligence, for employing prospective employees within the sixty-day temporary employment window pending the results of the national criminal history record check.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 2nd day of March, 2015.

John D. Jones, Jr.
Presiding Officer of the House
of Representatives

Passed the Senate the 31st day of March, 2015.

Nathan Dahm
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th
day of April, 20 15, at 3:20 o'clock P M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 7th
day of April, 20 15, at 2:25 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 7th
day of April, 20 15, at 3 o'clock P. M.
By: Ch. Benze



H.B. 1521

RE: H.B. 1521

SUBJECT: Compensation of Teachers

House Bill 1521 becomes effective November 1, 2015. This bill allows for certain types of teacher pay outside of their normal compensation package.

- Current law directs that a teacher's total compensation, defined as salary and fringe benefits, may not be decreased unless their hours and duties have been reduced. Additionally, if an employee organization has been recognized, the local board of education must meet with the organization to negotiate those wages, hours, fringe benefits and other terms of employment.
- Section 1(A): Directs that teacher compensation, as used above, provided by a school district, does not include one-time incentive pay or one-time retention incentive pay to a teacher returning for a second year.
- Section 2: Directs that any one-time incentive pay and one-time retention incentive pay as set forth in Section 1 are not to be subject to the negotiated agreement between the organization and the local board of education.

Should you have any questions related to this bill, please contact Ms. Heather Butler, School Personnel Records, at (405) 521-3360 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 18-114.9, 509.6

Helpful Statutory References: 70 O.S. 509.2

An Act

ENROLLED HOUSE
BILL NO. 1521

By: Henke, Faught, Sherrer and
Hoskin of the House

and

Smalley of the Senate

An Act relating to schools; amending 70 O.S. 2011, Section 18-114.9, which relates to total compensation of teachers; excluding certain incentive pay from definition of total compensation of teachers; amending 70 O.S. 2011, Section 509.6, which relates to good faith negotiations between board of education and certain organization; excluding certain pay from negotiated agreement; and providing an effective date.

SUBJECT: Compensation of teachers

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 18-114.9, is amended to read as follows:

Section 18-114.9 A. If a teacher, as defined in Section 6-101.3 of this title, is employed by the same school district for the next school year as the preceding school year, the total compensation, consisting of salary and fringe benefits, of the teacher shall not be decreased the next school year unless the hours or the duties of the teacher are reduced proportionately. Compensation shall not include one-time incentive pay that is provided by the school district to a teacher nor one-time retention incentive pay for returning a second year.

For school year 2004-05, total compensation shall not include any amount paid by a district during school year 2003-04 over and

above the flexible benefit allowance for certified personnel pursuant to Section 26-105 of this title toward employee health insurance if:

1. The district provided the health insurance benefit mandated in Section 1310.1 of Title 74 of the Oklahoma Statutes as a fringe benefit that required the employee to accept the health insurance option in order to receive the benefit; and

2. The district did not apply the payment toward meeting the requirements of subsection A of Section 18-114.7 of this title.

B. Subject to the provisions of this section, any school district that willfully reduces or has in years previous to enactment of this section willfully reduced the compensation of a teacher in violation of subsection A of this section shall forfeit as a penalty a portion of its State Aid equal to the total amount that the teacher was underpaid. If the teacher was underpaid for more than one (1) school year, the amount forfeited shall equal the cumulative amount that the teacher was underpaid. The amount to be forfeited shall be deducted from the State Aid payment following confirmation of the underpayment by the State Department of Education.

C. In addition to the amount of State Aid forfeited as a penalty pursuant to subsection B of this section, in order to ensure that the teacher receives the full amount of unpaid compensation, the State Department of Education shall withhold an amount which is equal to the total amount that the teacher was underpaid from the State Aid payment of the school district and pay the amount directly to the teacher. The Board shall not withhold an amount for payment to the teacher pursuant to the subsection if the teacher has recovered the underpayment pursuant to judicial action.

D. Complaints filed with the State Board of Education pursuant to this section may be based on alleged underpayments during fiscal years that began:

1. On or after July 1, 2002; or

2. Before July 1, 2002, if the teacher filed an action to recover the underpayment in a court of competent jurisdiction before July 1, 2002.

E. Complaints filed with the State Board of Education alleging underpayment during fiscal years that began on or after July 1, 2002, shall be filed within one (1) year of the end of the fiscal year in which the underpayment is alleged to have occurred.

F. Filing a complaint with the State Board of Education pursuant to this section shall not operate to prohibit a teacher from filing an action for underpayment in a court of competent jurisdiction or continuing to pursue an action for underpayment pending in a court of competent jurisdiction on August 29, 2003.


G. The State Board of Education shall promulgate rules necessary to implement the provisions of this section. The rules shall include, but not be limited to, procedures for a teacher to file a complaint for violation of this section and the Department to investigate the complaint.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 509.6, is amended to read as follows:

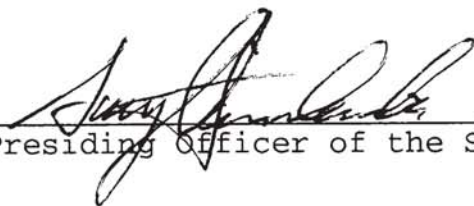
Section 509.6 Once an organization has been recognized, the board of education or its duly designated representative must meet with the duly designated representative of the organization and within sixty (60) days shall complete an agreement outlining negotiation procedures. The board of education and the representatives of the organization must negotiate in good faith on wages, hours, fringe benefits and other terms and conditions of employment. One-time incentive pay and one-time retention incentive pay for returning a second year shall not be subject to a negotiated agreement. To negotiate in good faith shall mean both parties must be willing to consider proposals in an effort to find a mutually satisfactory basis for agreement and must be willing to discuss their respective contract proposals. If either party objects to the other's contract proposals, the objecting party must support its objections with rationale. Any allegation by either party that there has been a failure to comply with the provisions of this section shall be resolved through the dispute resolution procedure for resolving a unit determination dispute as set forth in subsection A of Section 509.2 of this title.

SECTION 3. This act shall become effective November 1, 2015.

Passed the House of Representatives the 4th day of March, 2015.


Presiding Officer of the House
of Representatives

Passed the Senate the 8th day of April, 2015.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 9th
day of April, 20 15, at 1:09 o'clock P M.
By: Audrey Keadwell

Approved by the Governor of the State of Oklahoma this 13
day of April, 20 15, at 3:18 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 13th
day of April, 20 15, at 4:07 o'clock P. M.
By: C. Benz



H.B. 1749

RE: H.B. 1749

SUBJECT: Payroll Deductions

House Bill 1749 becomes effective November 1, 2015. This bill prohibits a state agency from making payroll deductions on behalf of a collective bargaining organization.

- Section 1: Prohibits a state agency from making payroll deductions for membership dues in any public employee association or organization or professional organization that collectively bargains on behalf of its membership.
 - “State agency” includes, but is not limited to, any board, commission, institution, unit, division or house of the executive or judicial branches of state government, whether elected or appointed. It also includes public school districts, the Oklahoma State Regents for Higher Education, institutions of higher education and the State Board of CareerTech.
 - “Public employee” is defined to mean an elected or appointed officer or employee or contract employee of a state agency.

Should you have any questions related to this bill, please contact Ms. Nancy Hughes, Executive Director for Financial Accounting/OCAS/Audits, at (405) 521-2517 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

New Law at: 62 O.S. 34.70.1

An Act

ENROLLED HOUSE
BILL NO. 1749

By: Newell, Osborn, Ritze,
Nelson, Cockroft, Billy,
Dunlap, Kirby and Loveless
of the House

and

Dahm of the Senate

An Act relating to payroll deductions; criminalizing certain payroll deductions by state agencies; defining terms; providing for codification; and providing an effective date.

SUBJECT: Payroll deductions

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 34.70.1 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any state agency to make payroll deductions on behalf of a state employee for membership dues in any public employee association or organization or professional organization that on or after November 1, 2015, collectively bargains on behalf of its membership pursuant to any provision of federal law.

B. For purposes of this section:

1. "State agency" means any office, officer, bureau, board, counsel, court, commission, institution, unit, division, body or house of the executive or judicial branches of the state government, whether elected or appointed, excluding political subdivisions of the state. State agency shall include public school districts, the

Oklahoma State Regents for Higher Education, the institutions, centers, or other constituent agencies of The Oklahoma State System of Higher Education, the State Board of Career and Technology Education, technology center school districts, the State Legislature, and the Office of the Governor; and

2. "Public employee" means an elected or appointed officer or employee or contract employee of a state agency as defined in this section, unless otherwise indicated.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 18th day of February, 2015.

Lee R. Dingus
Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of March, 2015.

Nathan Linton
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30th
day of March, 20 15, at 2:48 o'clock P M.
By: Audrey Fedwell

Approved by the Governor of the State of Oklahoma this 2nd
day of April, 20 15, at 3:19 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd
day of April, 20 15, at 3:48 o'clock P M.
By: Ch. Benze



H.B. 2014

RE: H.B. 2014

SUBJECT: School Security

House Bill 2014 became effective upon the Governor's signature May 12, 2015. This bill amends the statutes on Unlawful Carry in Certain Places and Possession of Firearm on School Property to allow for certain school personnel to carry a handgun onto school property.

- Current law prohibits carry of any concealed or unconcealed handgun into any public or private school.
- Section 1(D): Allows a local board of education to adopt a policy to authorize a handgun to be carried onto school property by school personnel who have been designated by the board to do so.
 - The designated personnel must possess a valid armed security guard license or a valid reserve peace officer certification.
- Section 2(C)(7): Those designated personnel, who meet the aforementioned qualifications, may carry a handgun onto school property.
- Section 3: Additional provisions for local school boards who have adopted such a policy:
 - The school board may designate school personnel who already hold a handgun license to attend an armed security guard or reserve peace officer training. Participation in such program is to be voluntary, and the school board *may* pay for the training and associated expenses.
 - The school board maintains sole authority to determine who will attend and use such licenses on behalf of the school.
 - Designated personnel must ensure their firearm is either on their person or locked in a secured location at all times. Designated personnel, school boards and districts are immune from civil and criminal liability for any injury resulting from action by the designated school personnel.
 - School boards are authorized to enter into memorandums of understanding with local law enforcement entities to carry out the provisions of this law.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 21 O.S. 1277, 1280.1

New Law at: 70 O.S. 5-149.2

Helpful Statutory References: 59 O.S. 1750.5, 70 O.S. 3311

An Act

ENROLLED HOUSE

BILL NO. 2014

By: Coody (Jeff), Cockroft,
Kern, Jordan, Montgomery,
Murphey, Lockhart, Derby,
Murdock, Enns, Bennett,
Wood, Walker, Nollan, Coody
(Ann), Fisher, Cooksey,
Wright, Faught, Ownbey,
Lepak, Joyner, McCullough,
Brumbaugh, Sherrer, Roberts
(Sean), Pfeiffer and Ritze
of the House

and

Barrington, Brecheen and
Brooks of the Senate

An Act relating to school security; amending 21 O.S. 2011, Sections 1277 and 1280.1, as last amended by Sections 1 and 2, Chapter 325, O.S.L. 2014 (21 O.S. Supp. 2014, Sections 1277 and 1280.1), which relate to carrying firearms on certain property; allowing certain persons to carry handguns on public school property; authorizing boards of education to allow for participation in training; construing provision; making participation voluntary; providing for payment of academy training expenses; authorizing certain persons to carry handgun on public school property; providing immunity from civil and criminal liability; providing for codification; and declaring an emergency.

SUBJECT: School security

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 325, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1277), is amended to read as follows:

Section 1277.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed or unconcealed handgun into any of the following places:

1. Any structure, building, or office space which is owned or leased by a city, town, county, state, or federal governmental authority for the purpose of conducting business with the public;

2. Any prison, jail, detention facility or any facility used to process, hold, or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent;

3. Any public or private elementary or public or private secondary school, except as provided in ~~subsection~~ subsections C and D of this section;

4. Any sports arena during a professional sporting event;

5. Any place where pari-mutuel wagering is authorized by law;
and

6. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state, or federal governmental authority;

2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by any entity offering any professional sporting event which is open to the public for admission, or by any entity engaged in pari-mutuel wagering authorized by law;

3. Any property adjacent to a structure, building, or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section;

4. Any property designated by a city, town, county, or state governmental authority as a park, recreational area, or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed handgun into any structure, building, or office space which is specifically prohibited by the provisions of subsection A of this section; and

5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in paragraph 1, 2, 3, 4 or 5 of subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraph 1, 2, 3, 4 or 5 of this subsection.

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Code.

D. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy

pursuant to Section 3 of this act to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:

1. Possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

2. Hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

E. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).

~~E.~~ F. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college, university, or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed as prohibited for persons having a valid handgun license:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university, or technology center school property;

2. Any property authorized for possession or use of handguns by college, university, or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the handgun and the valid handgun license while on college, university, or technology center school property.

The college, university, or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars (\$250.00) and may have the handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university, or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

F. G. The provisions of this section shall not apply to any peace officer or to any person authorized by law to carry a pistol in the course of employment. District judges, associate district judges and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, shall be exempt from this section when acting in the course and scope of employment within the courthouses of this state. Private investigators with a firearms authorization shall be exempt from this section when acting in the course and scope of employment.

G. H. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1280.1, as last amended by Section 2, Chapter 325, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

B. For purposes of this section:

1. "School property" means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;

2. "Private school" means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade twelve and is not operated by a governmental entity; and

3. "Motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;

4. A concealed or unconcealed weapon carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this paragraph shall not apply to claims pursuant to the Workers' Compensation Code;

5. A gun, knife, bayonet or other weapon in the possession of a member of a veterans group, the national guard, active military, the Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly or educational program approved by the principal or chief administrator of a school or school district where the ceremony, assembly or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on school property; ~~and~~

6. A handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and

7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:

- a. possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or

b. hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes,

if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not to exceed Two Hundred Fifty Dollars (\$250.00).

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-149.2 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. The board of education of a school district may, through a majority vote of the board, designate school personnel who have been issued a handgun license pursuant to the Oklahoma Self-Defense Act to attend an armed security guard training program, as provided for in Section 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve peace officer certification program, as provided for in Section 3311 of Title 70 of the Oklahoma Statutes, provided and developed by the Council on Law Enforcement Education and Training (CLEET). Nothing in this section shall be construed to prohibit or limit the board of education of a school district from requiring ongoing education and training.

B. Participation in either the armed security guard training program or the reserve peace officer certification program shall be voluntary and shall not in any way be considered a requirement for continued employment with the school district. The board of education of a school district shall have the final authority to determine and designate the school personnel who will be authorized to obtain and use an armed security guard license or reserve peace officer certification in conjunction with their employment as school personnel.

C. The board of education of a school district that authorizes school personnel to participate in either the armed security guard program or the reserve peace officer program may pay all necessary training, meal and lodging expenses associated with the training.

D. When carrying a firearm pursuant to the provisions of this act, the person shall at all times carry the firearm on his or her person or the firearm shall be stored in a locked and secure location.

E. Any school personnel who have successfully completed either training and while acting in good faith shall be immune from civil and criminal liability for any injury resulting from the carrying of a handgun onto public school property as provided for in this act. Any board of education of a school district or participating local law enforcement agency shall be immune from civil and criminal liability for any injury resulting from any act committed by school personnel who are designated to carry a concealed handgun on public school property pursuant to the provisions of this act.

F. In order to carry out the provisions of this section, the board of education of a school district is authorized to enter into a memorandum of understanding with local law enforcement entities.

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

Passed the House of Representatives the 6th day of May, 2015.

LeRoi Honeycutt
Presiding Officer of the House
of Representatives

Passed the Senate the 22nd day of April, 2015.

Eddie Field
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 11th

day of May, 2015, at 5:20 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 12th

day of May, 2015, at 4:01 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 12th

day of May, 2015, at 4:31 o'clock P M.

By: Chit Bengel



RE: S.B. 5
SUBJECT: Schools

Senate Bill 5 becomes effective August 20, 2015. This bill changes language regarding immunity from liability for education employees' use of reasonable force.

- Current law prohibits a student from assaulting or attempting to injure an education employee or volunteer.
- Section 1(B): Adds that education employees are not liable for using necessary and reasonable force to control or discipline a student during their time at school or in transit to or from school, or at any other school function.

Should you have any questions related to this bill, please contact Ms. Lynn Jones, Executive Director of Accreditation, at (405) 521-6638 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 6-149.7

An Act

ENROLLED SENATE
BILL NO. 5

By: Sharp of the Senate

and

Cockroft of the House

An Act relating to schools; amending Section 8, Chapter 7, 1st Extraordinary Session, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-149.7), which relates to student assaults; and providing immunity from liability for education employees for use of reasonable force.

SUBJECT: Schools

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

SECTION 1. AMENDATORY Section 8, Chapter 7, 1st Extraordinary Session, O.S.L. 2013 (70 O.S. Supp. 2014, Section 6-149.7), is amended to read as follows:

Section 6-149.7 A. No student enrolled in a school shall assault, attempt to cause physical bodily injury, or act in a manner that could reasonably cause bodily injury to an education employee or a person who is volunteering for the school. Any student in grades six through twelve who violates the provisions of this section shall be subject to out-of-school suspension as provided for in Section 24-101.3 of ~~Title 70 of the Oklahoma Statutes~~ this title. This section shall be in addition to and does not limit the criminal liability of a person who causes or commits an assault, battery, or assault and battery upon a school employee as provided for in Section 650.7 of Title 21 of the Oklahoma Statutes.

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

Passed the Senate the 14th day of April, 2015.

Eddie Fiesler
Presiding Officer of the Senate

Passed the House of Representatives the 6th day of April, 2015.

James W. Hoff
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th

day of April, 20 15, at 2:45 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st

day of April, 20 15, at 1:41 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st

day of April, 20 15, at 3:19 o'clock P M.

By: Ch. Benz



S.B. 711

RE: S.B. 711

SUBJECT: Teacher Due Process Procedures

Senate Bill 711 becomes effective July 1, 2015. This bill allows for local school districts to communicate with the State Board of Education when recommending a teacher be dismissed or not reemployed, if the recommendation could involve criminal charges that are sexual in nature.

- Current law requires that when a superintendent decides to recommend a teacher be dismissed or not reemployed, that recommendation must be made in writing and note the basis for that recommendation.
- Section 1(B): *When a recommendation* includes grounds that could form the basis of criminal charges sufficient to result in denial or revocation of a certificate due to sexual abuse or exploitation, the recommendation *must* also be forwarded to the State Board of Education.
 - Recommendations may only be forwarded to the State Board *after completion of due process* within the local school district or *after the teacher resigns*.
 - Local school districts are released from any liability for not forwarding a copy of the recommendation.
 - If the recommendation is forwarded to the State Board, a copy must also be forwarded to the teacher, who may provide additional information to the State Board.
- Section 1(C): Only school districts may request a copy of the recommendation from the State Board, and only if they are considering a teacher for new employment or for a currently employed teacher.
 - When such a request is made, the State Board must also send copies to the teacher in question.
- Section 1(D): The recommendations must be kept confidential, and are not subject to disclosure under the Open Records Act.
- Section 1(E): If the State Board or the local school district is subpoenaed to disclose the documents, the teacher in question must be notified immediately and given the opportunity to respond to the subpoena.

Should you have any questions related to this bill, please contact Mr. Jeff Smith, Executive Director of Certification, at (405) 521-3238 or Ms. Carolyn Thompson, Director of Government Affairs, at (405) 522-3520.

Amendment to: 70 O.S. 6-101.25

Helpful Statutory References: 70 O.S. 3-104(6), 6-101.26

An Act

ENROLLED SENATE
BILL NO. 711

By: Sparks, Loveless,
Stanislawski, Jech, and
Sharp of the Senate

and

Denney, Kern, Jordan and
Biggs of the House

An Act relating to the Teacher Due Process Act of 1990; amending 70 O.S. 2011, Section 6-101.25, which relates to recommendations to dismiss or not reemploy a teacher; directing recommendations that meet certain criteria to be forwarded to the State Board of Education; providing for effect if the recommendation is not forwarded; requiring copies to also be forwarded to certain teacher; allowing certain teacher to provide supplementary information; allowing certain school districts to request copies of recommendations; requiring certain notice to a teacher upon certain request; requiring copies of documents to be provided to certain teacher; providing for confidentiality of certain records; exempting records from certain act; requiring notice to certain teacher upon receipt of subpoena; providing an effective date; and declaring an emergency.

SUBJECT: Teacher due process procedures

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 6-101.25, is amended to read as follows:

Section 6-101.25. A. Whenever a superintendent decides to recommend that a teacher employed within the school district be dismissed or not reemployed, the superintendent shall state the recommendation in writing, setting forth the basis for the recommendation, and shall submit such recommendation to the board of education.

If the teacher subject to such recommendation is a career teacher, the recommendation shall specify the statutory grounds for which the recommendation is based.

If the teacher subject to such recommendation is a probationary teacher, the recommendation shall specify the cause for which the recommendation is based.

The superintendent shall also specify the underlying facts supporting the recommendation.

B. If the recommendation includes grounds that could form the basis of criminal charges sufficient to result in the denial or revocation of a certificate for a reason set forth in subparagraph a of paragraph 6 of Section 3-104 of this title, a copy of the recommendation shall also be forwarded to the State Board of Education after the completion of due process procedures pursuant to Section 6-101.26 of this title or after the teacher resigns. Failure to forward a copy of the recommendation to the State Board of Education shall not be the basis for any claim or action against a public school, its board of education, employees, agents or other representatives. If the school district forwards a copy of the recommendation to the State Board of Education, the school district shall contemporaneously forward a copy to the teacher subject to such recommendation. The teacher may provide supplementary information to the State Board of Education.

C. Only school districts may request a copy of the recommendation from the State Board of Education, and only if a teacher is being considered for new employment or a teacher is currently employed by the requesting school district. The State Board of Education shall notify the teacher subject to the

recommendation if such a request is made and provide the identity of the school district that made such request. The State Board of Education shall provide the requesting school district documents related to the recommendation as well as any supplementary information provided by the teacher subject to the recommendation, and copies shall be contemporaneously forwarded to the teacher subject to the recommendation. Records provided to a requesting school district pursuant to this subsection shall be kept confidential.

D. Except as provided for in subsection C of this section, the State Board of Education shall keep recommendations submitted pursuant to subsection B of this section confidential. Records created pursuant to this section shall not be subject to disclosure under the Oklahoma Open Records Act.

E. If the State Board of Education or a school district that generated or received documents pursuant to subsection C of this section is served a subpoena requesting disclosure of the documents, the teacher subject to the recommendation shall immediately be notified and be provided the opportunity to object to the subpoena.

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

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

Passed the Senate the 22nd day of May, 2015.

Nathan Dahm

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2015.

Lee R. Downer Jr

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd

day of May, 20 15, at 8:08 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 3rd

day of June, 20 15, at 3:21 o'clock P M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 3rd

day of June, 20 15, at 4:05 o'clock P M.

By: Christ Benz