

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF
SUBCHAPTER 1. GENERAL PROVISIONS**

210:20-1-2. Prohibition on aiding and abetting sexual abuse.

(a) General prohibition. Pursuant to 20 U.S.C. § 7926, it is prohibited for any individual who is employed by a school district or charter school, is under contract with a school district or charter school, or is in any capacity the agent of a school district or charter school, to assist any school employee, contractor, or agent in obtaining a new job if the individual or agency knows, or has probable cause to believe, that such person engaged in sexual misconduct with a minor or a student.

(b) Limited exception. The prohibition in subsection (a) shall not apply if the information giving rise to the probable cause:

(1) Has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(2) Has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) and the associated implementing regulations under 34 C.F.R. Part 106, or any succeeding regulations; and

(3) One of the following conditions has occurred:

(A) The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law; or

(B) The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

(C) At least four (4) years have passed from the date on which the information was reported to a law enforcement agency, and the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent.

(c) Local policies. Pursuant to 20 U.S.C. § 7926, a school district or charter school shall adopt a policy consistent with federal law and this administrative rule, prohibiting its employees, contractors, or agents from assisting any individual currently or formerly associated with the district in an employee, contractor, or agent capacity from obtaining new employment if the individual or district knows, or has probable cause to believe, that such person has engaged in sexual misconduct with a minor or student.

(d) Reporting obligation. In addition to the federal prohibition on assisting in the employment of individuals known or believed based on probable cause to have engaged in sexual misconduct with a minor or student, Oklahoma school districts and charter schools are required by 70 O.S. § 6-101.25 to notify the State Board of Education if a superintendent has recommended a teacher's termination or non-reemployment based on allegations of sexual misconduct or any other crime listed in 70 O.S. § 3-104(6), and the teacher is either terminated or non-reemployed, or resigns from their position.

(e) Certification. Notwithstanding the applicability of any exceptions listed in subsection (b) of this rule, the State Board of Education may suspend or revoke any certificate issued by the

Board, impose other sanctions against the holder of such a certificate, or decline to issue a certificate to an applicant if the individual:

- (1) Has assisted another person in obtaining, or seeking to obtain, a new job, other than by routine transmission of administrative and personnel files; and
- (2) Knew, or had probably cause to believe, that the person assisted has previously engaged in sexual misconduct with a minor or student.