

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1321

By: Bastin

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Sections 5-142 and 5-142.1, as amended by Sections 2 and 3, Chapter 319, O.S.L. 1994 (70 O.S. Supp. 1996, Sections 5-142 and 5-142.1), which relate to felony record searches for teachers; limiting certain searches relating to substitute teachers; 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. 1991, Section 5-142, as amended by Section 2, Chapter 319, O.S.L. 1994 (70 O.S. Supp. 1996, Section 5-142), is amended to read as follows:

Section 5-142. A. The provisions of this section shall apply to a school district with an average daily membership of thirty thousand (30,000) students or less. For purposes of employment, a local board of education may request in writing from the State Board of Education information concerning any felony offense conviction of any employee of the school or any person seeking employment with the school. The request shall specify whether the felony record search is to be based only on the name submitted by the employee or

prospective employee or on the basis of fingerprints to be required of the employee or prospective employee. The request shall further specify whether the search is to be a state or national search. If a national search is requested, the search shall be based on fingerprints, and the Oklahoma State Bureau of Investigation shall obtain fingerprints of the employee or prospective employee and require that said 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 are hereby authorized to reimburse employees for the cost of the search. The State Board of Education shall contact the Oklahoma State Bureau of Investigation for any felony record of said 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 felony record requested by the State Board of Education within fourteen (14) working days from the receipt of said request. The Bureau may contact the Federal Bureau of Investigation as regards the information requested, to obtain any felony convictions of the person involved. The felony record provided by the Oklahoma State Bureau of Investigation shall include the name of the person, whether or not said person has been convicted of any felony offense, a list of any felony convictions, and the dates of such convictions.

C. The State Board of Education shall provide the information received from the Oklahoma State Bureau of Investigation to the local board of education within fourteen (14) days from the receipt of said information.

D. For the purpose of this section, "board of education" includes both public and private boards of education within or outside this state.

E. Each public board of education within this state shall promulgate a statement of that school districts' policy regarding

felony record searches. If the policy requires felony record searches, the policy may permit employment for not to exceed sixty (60) days pending receipt of results of felony search requests. If the policy requires a search based on fingerprints, 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 felony search request is made unless the person was employed pending receipt of results as set forth above.

F. Any person applying for employment as a substitute teacher shall only be required to have one such felony record search for the school year. Upon request of the substitute teacher, that felony record search may be sent to any other school in that district in which the substitute teacher is applying to teach.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 5-142.1, as amended by Section 3, Chapter 319, O.S.L. 1994 (70 O.S. Supp. 1996, Section 5-142.1), is amended to read as follows:

Section 5-142.1 A. The provisions of this section shall apply to a school district with an average daily membership in excess of thirty thousand (30,000) students. For purposes of employment, a local board of education may request in writing from the Oklahoma State Bureau of Investigation information concerning any felony offense conviction of any employee of the school or any person seeking employment with the school. The request shall specify whether the felony record search is to be based only on the name submitted by the employee or prospective employee or on the basis of fingerprints to be required of the employee or prospective employee. The request shall further specify whether the search is to be a state or national search. If a state search based on name only is requested, the Oklahoma State Bureau of Investigation may charge a

search fee not to exceed Ten Dollars (\$10.00). If a national search is requested, the search shall be based on fingerprints, and the Oklahoma State Bureau of Investigation shall obtain fingerprints of the employee or prospective employee and require that said 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 are hereby authorized to reimburse employees for the cost of the search.

B. The Oklahoma State Bureau of Investigation shall provide the felony record requested by a local board of education within fourteen (14) working days from the receipt of said request. The Bureau shall send a copy of the felony record to the State Board of Education. The Bureau may contact the Federal Bureau of Investigation as regards the information requested, to obtain any felony convictions of the person involved. The felony record provided by the Oklahoma State Bureau of Investigation shall include the name of the person, whether or not said person has been convicted of any felony offense, a list of any felony convictions, and the dates of such convictions.

C. For the purpose of this section, "board of education" includes both public and private boards of education within or outside this state.

D. Each public board of education within this state shall promulgate a statement of that school districts' policy regarding felony record searches. If the policy requires felony record searches, the policy may permit employment for not to exceed sixty (60) days pending receipt of results of felony search requests. If the policy requires a search based on fingerprints, 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 felony search request is made unless the person was employed pending receipt of results as set forth above.

E. The Oklahoma State Bureau of Investigation shall prescribe the procedures necessary to ensure that requests submitted are official requests from the local board of education.

F. Any person applying for employment as a substitute teacher shall only be required to have one such felony record search for the school year. Upon request of the substitute teacher, that felony record search may be sent to any other school in that district in which the substitute teacher is applying to teach.

SECTION 3. This act shall become effective July 1, 1997.

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.

46-1-5843

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