

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 700

By: Monson of the Senate

and

Staggs of the House

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2001, Section 5-144, as amended by Section 1, Chapter 161, O.S.L. 2003 (70 O.S. Supp. 2004, Section 5-144), which relates to district attorney notification of superintendent; expanding certain notification requirement to include employees of entities providing services to district; correcting name of certain act; amending 70 O.S. 2001, Section 6-101.48, which relates to employees of business having contract with school; specifying certain statement to be filed at time of contracting; 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. 2001, Section 5-144, as amended by Section 1, Chapter 161, O.S.L. 2003 (70 O.S. Supp. 2004, Section 5-144), is amended to read as follows:

Section 5-144. A. Upon filing an information or indictment for a felony or violent misdemeanor, the district attorney shall endeavor to ascertain whether or not the person arrested is a student or employee of a school district or a public school in the state, or whether the person is an employee of an entity that provides services to a school district or a public school, and if the person is, with due regard for the provisions of subsection C of Section 7307-1.2 of Title 10 of the Oklahoma Statutes, the district attorney shall notify the superintendent of the district of the charges filed against the student or employee.

B. The school district may take any action it deems necessary that is in compliance with the requirements of the Family ~~Education~~

~~Right to~~ Educational Rights and Privacy Act of 1974 with regard to such information.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 6-101.48, is amended to read as follows:

Section 6-101.48 A. No person or business having a contract with a school or school district to perform work on a full-time or part-time basis that would otherwise be performed by school district employees shall allow any employee to work on school premises if such employee is convicted in this state, the United States or another state of any felony offense unless ten (10) years has elapsed since the date of the criminal conviction or the employee has received a presidential or gubernatorial pardon for the criminal offense.

B. Every person or business performing services not subject to subsection A of this section on the property of a school or school district shall at the time of contracting be required to sign a statement declaring that no employee working on school premises under the authority of such business is currently registered under the provisions of the Oklahoma Sex Offenders Registration Act and that the business is not in violation of the provisions of this section. Compliance with this statute shall be required of the person or private business, and there shall be no obligation placed upon a school district to ascertain the truthfulness of the affidavit.

C. A person or business having a written contract with a school or school district to perform work on a full-time or part-time basis that would otherwise be performed by school district employees may conduct a felony search of the employees of the person or entity who would be assigned that work through a request to the State Board of Education in the same manner as a felony search is afforded school districts by Section 5-142 of ~~Title 70 of the Oklahoma Statutes~~ this title.

SECTION 3. This act shall become effective July 1, 2005.

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.

50-1-887

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