

1 ENGROSSED
2 SENATE BILL NO. 2199

By: Coffee and Easley of the
Senate

3 and

4 Jones of the House

5
6
7 [schools - felony record searches - effective date -
8 repealer -
9 emergency]

10
11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-142, is
14 amended to read as follows:

15 Section 5-142. A. ~~The provisions of this section shall apply~~
16 ~~to a school district with an average daily membership of thirty~~
17 ~~thousand (30,000) students or less.~~ For purposes of employment, a
18 ~~local~~ board of education may request in writing ~~from~~ to the State
19 Board of Education ~~information concerning any felony offense~~
20 ~~conviction~~ that a national criminal history record check be
21 conducted of any employee of the school ~~or~~ and shall request such
22 information for any person seeking employment with the school. ~~The~~
23 ~~request shall specify whether the felony record search is to be~~
24 ~~based only on the name submitted by the employee or prospective~~

1 ~~employee or on the basis of fingerprints to be required of the~~
2 ~~employee or prospective employee. The request shall further specify~~
3 ~~whether the search is to be a state or national search. If a~~
4 ~~national search is requested, the search shall be based on~~
5 ~~fingerprints, and the Oklahoma State Bureau of Investigation (OSBI)~~
6 shall obtain fingerprints of the employee or prospective employee
7 and require that ~~said~~ the person pay a search fee not to exceed
8 Fifty Dollars (\$50.00) or the cost of the search, whichever is the
9 lesser amount. The fees shall be deposited in the OSBI Revolving
10 Fund. School districts ~~are hereby authorized to~~ shall reimburse
11 employees for the cost of the search. The State Board of Education
12 shall contact the Oklahoma State Bureau of Investigation for any
13 ~~felony~~ national criminal history record of ~~said~~ the person within
14 fourteen (14) working days of receiving a written request from the
15 board of education.

16 B. The Oklahoma State Bureau of Investigation shall provide the
17 ~~felony~~ national criminal history record check requested by the State
18 Board of Education within fourteen (14) working days from the
19 receipt of ~~said~~ the request. The Bureau may contact the Federal
20 Bureau of Investigation ~~as regards~~ to obtain the information
21 requested, ~~to obtain any felony convictions of the person involved.~~
22 ~~The felony record provided by the Oklahoma State Bureau of~~
23 ~~Investigation shall include the name of the person, whether or not~~
24

1 ~~said person has been convicted of any felony offense, a list of any~~
2 ~~felony convictions, and the dates of such convictions.~~

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

10 D. For the purpose of this section, ~~"board.~~

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

13 2. "National criminal history record check" means a national
14 criminal history record check as defined in Section 150.9 of Title
15 74 of the Oklahoma Statutes.

16 E. Each public board of education within this state shall
17 promulgate a statement of that school districts' policy regarding
18 felony record searches. ~~If the~~ The policy ~~requires felony record~~
19 ~~searches, the policy~~ may permit employment for not to exceed sixty
20 (60) days pending receipt of results of ~~felony search~~ national
21 criminal history record check requests. ~~If the policy requires a~~
22 ~~search based on fingerprints, prospective~~ Prospective employees
23 shall be notified of the requirement, the fee and the reimbursement
24 policy when first interviewed concerning employment. The school

1 district's reimbursement policy shall provide, at the minimum, that
2 employees shall be promptly reimbursed in full for the fee if
3 employed by the district at the time the ~~felony search~~ national
4 criminal history record check request is made unless the person was
5 employed pending receipt of results as set forth above.

6 F. Any person applying for employment as a substitute teacher
7 shall only be required to have one such ~~felony~~ national criminal
8 history record ~~search~~ check for the school year. Upon request of
9 the substitute teacher, that ~~felony~~ record ~~search~~ check may be sent
10 to any other school district in which the substitute teacher is
11 applying to teach.

12 SECTION 2. REPEALER 70 O.S. Supp. 2001, Section 5-
13 142.1), is hereby repealed.

14 SECTION 3. This act shall become effective July 1, 2010.

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

19
20
21
22
23
24

