

THE HOUSE OF REPRESENTATIVES
Monday, March 29, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2199

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2199 - By:
COFFEE AND EASLEY of the Senate and JONES, KERN AND MCDANIEL
(JEANNIE) of the House.

An Act relating to schools; amending 70 O.S. 2001, Section 5-142, which relates to criminal history record searches by certain school districts; deleting certain restrictions; modifying type of criminal history record check that may be requested and conducted; requiring certain criminal history record check be conducted on persons seeking employment; deleting certain specifications; deleting specific content to be provided with the request; requiring the State Board of Education to provide follow-up information when received; providing certain definition; repealing 70 O.S. Supp. 2001, Section 5-142.1, which relates to criminal history record searches by certain school districts; providing an effective date; and declaring an emergency.

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

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

3 Section 5-142. A. ~~The provisions of this section shall apply to a school district with~~
4 ~~an average daily membership of thirty thousand (30,000) students or less.~~ For purposes
5 of employment, a local board of education may request in writing ~~from~~ to the State Board
6 of Education ~~information concerning any felony offense conviction that a national~~
7 criminal history record check be conducted of any employee of the school ~~or~~ and shall

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

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

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

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

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

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

12 E. Each public board of education within this state shall promulgate a statement of
13 that school districts' policy regarding felony record searches. ~~If the~~ The policy ~~requires~~
14 ~~felony record searches, the policy~~ may permit employment for not to exceed sixty (60)
15 days pending receipt of results of ~~felony search~~ national criminal history record check
16 requests. ~~If the policy requires a search based on fingerprints, prospective~~ Prospective
17 employees shall be notified of the requirement, the fee and the reimbursement policy
18 when first interviewed concerning employment. The school district's reimbursement
19 policy shall provide, at the minimum, that employees shall be promptly reimbursed in
20 full for the fee if employed by the district at the time the ~~felony search~~ national criminal
21 history record check request is made unless the person was employed pending receipt of
22 results as set forth above.

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

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

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03-25-10
12 - DO PASS, As Amended and Coauthored.