

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2080

By: Easley

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Sections 5-142 and 5-142.1, which relate to felony
9 record searches; requiring school districts to
10 conduct certain record search on prospective
11 employees; removing authorization for districts to
12 conduct certain state or name record searches;
13 requiring districts to make certain reports to State
14 Department of Education; requiring Department to make
15 certain information available to certain individuals;
16 providing for codification; providing an effective
17 date; and declaring an emergency.

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

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

21 Section 5-142. A. The provisions of this section shall apply
22 to a school district with an average daily membership of thirty
23 thousand (30,000) students or less. For purposes of employment, a
24 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~~ and shall request such information for
any person seeking employment with the school. The request shall

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

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

1 has been convicted of any felony offense, a list of any felony
2 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.

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

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

23 F. Any person applying for employment as a substitute teacher
24 shall only be required to have one such felony record search for the

1 school year. Upon request of the substitute teacher, that felony
2 record search may be sent to any other school district in which the
3 substitute teacher is applying to teach.

4 SECTION 2. AMENDATORY 70 O.S. 2001, Section 5-142.1, is
5 amended to read as follows:

6 Section 5-142.1 A. The provisions of this section shall apply
7 to a school district with an average daily membership in excess of
8 thirty thousand (30,000) students. For purposes of employment, a
9 local board of education may request in writing from the Oklahoma
10 State Bureau of Investigation information concerning any felony
11 offense conviction of any employee of the school ~~or~~ and shall
12 request such information for any person seeking employment with the
13 school. The request shall specify whether that the felony record
14 ~~search is to be based only on the name submitted by the employee or~~
15 ~~prospective employee or~~ shall be conducted on the basis of
16 fingerprints to be required of the employee or prospective employee.
17 The request shall further specify ~~whether~~ that the search is to be a
18 ~~state or national search. If a state search based on name only is~~
19 ~~requested, the Oklahoma State Bureau of Investigation may charge a~~
20 ~~search fee not to exceed Ten Dollars (\$10.00). If a national search~~
21 ~~is requested, the search~~ which shall be based on fingerprints, and
22 the Oklahoma State Bureau of Investigation shall obtain fingerprints
23 of the employee or prospective employee and require that ~~said~~ the
24 person pay a search fee not to exceed Fifty Dollars (\$50.00) or the

1 cost of the search, whichever is the lesser amount. The fees shall
2 be deposited in the OSBI Revolving Fund. School districts are
3 hereby authorized to reimburse employees for the cost of the search.

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

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

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

1 and the reimbursement policy when first interviewed concerning
2 employment. The school district's reimbursement policy shall
3 provide, at the minimum, that employees shall be promptly reimbursed
4 in full for the fee if employed by the district at the time the
5 felony search request is made unless the person was employed pending
6 receipt of results as set forth above.

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

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

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 5-142.2 of Title 70, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Each school district shall report to the State Department of
19 Education any dismissal, nonreemployment, or resignation of a
20 teacher while under investigation for any sex offense subject to the
21 Sex Offenders Registration Act.

22 B. The State Department of Education shall make available to
23 district superintendents or their designated hiring authorities a
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1 confidential, secure, and searchable database of reports provided
2 pursuant to subsection A of this section.

3 SECTION 4. This act shall become effective July 1, 2010.

4 SECTION 5. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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