

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2199

By: Coffee

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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 providing an effective date; and declaring an
14 emergency.

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

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

18 Section 5-142. A. The provisions of this section shall apply
19 to a school district with an average daily membership of thirty
20 thousand (30,000) students or less. For purposes of employment, a
21 local board of education may request in writing from the State Board
22 of Education information concerning any felony offense conviction of
23 any employee of the school ~~or~~ and shall request such information for
24 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~~

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

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

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

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

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

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

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

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

1 OSBI Revolving Fund. School districts ~~are hereby authorized to~~
2 shall reimburse employees for the cost of the search.

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

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

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

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

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

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

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.

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