ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 1418

By: Casey, Key, Denney, Condit, Cockroft and Russ of the House

and

Justice of the Senate

An Act relating to schools; amending 70 O.S. 2001, Section 5-142, as amended by Section 1, Chapter 406, O.S.L. 2010 (70 O.S. Supp. 2010, Section 5-142), which relates to criminal history record searches; providing that national criminal record check may be conducted by approved private company; requiring board of education to request national criminal record check from approved private company or from State Department of Education for any person seeking employment with school; allowing board of education to choose whether to require national criminal history record checks for certain prospective employees and substitute teachers; providing an effective date; and declaring an emergency.

AUTHOR: Add the following Senate Coauthor: Fields

AUTHOR: Add the following House Coauthor: Walker

AMENDMENT NO. 1. Page 1, line 23, after the word "history" and before the word "from" delete all language and insert "name search"

AMENDMENT NO. 2. Page 2, line 1, before the word "and" delete all language and insert "name search"

AMENDMENT NO. 3. Page 2, line 5, after the word "history" and before the word "from" delete all language and insert "name search"

AMENDMENT NO. 4. Page 2, line 6, after the word "history" and before the word "and" delete all language and insert "name search".

AMENDMENT NO. 5. Page 1, strike the title to read

"[schools - national criminal record check - approved private company - State Department of Education - prospective employees and substitute teachers - effective date - emergency]"

and when the title is restored, amend the title to conform

Passed the Senate the 25th day of April, 2011.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2011.

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Presiding Officer of the House of Representatives

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-142, as amended by Section 1, Chapter 406, O.S.L. 2010 (70 O.S. Supp. 2010, Section 5-142), is amended to read as follows:

Section 5-142. A. For purposes of employment, a board of education may request <u>a national criminal history record check from a private company qualified to conduct a national criminal history</u>

record check and approved by the State Department of Education or the board may request in writing to the State Board of Education that a national criminal history record check be conducted of any employee of the school ~~and~~. A board shall request ~~such information~~ a national criminal history record check from a private company qualified to conduct a national criminal history record check and approved by the State Department of Education or a national criminal history record check from the State Department of Education for any person seeking employment with the school; provided, however, a board may choose whether to require a national criminal history record check from a prospective employee who has been previously employed by the district in the last year. ~~The~~ If the board chooses to request a national criminal history record check from the State Department of Education, the Oklahoma State Bureau of Investigation (OSBI) shall obtain fingerprints of the employee or prospective employee and require that the person pay a search fee not to exceed Fifty Dollars ($50.00) or the cost of the search, whichever is the lesser amount. The fees shall be deposited in the OSBI Revolving Fund. School districts are hereby authorized to reimburse employees for the cost of the search. The State Board of Education shall contact the Oklahoma State Bureau of Investigation for any national criminal history record of the person within fourteen (14) working days of receiving a written request from the board of education.

B. The Oklahoma State Bureau of Investigation shall provide the national criminal history record check requested by the State Board of Education within fourteen (14) working days from the receipt of the request. The Bureau may contact the Federal Bureau of Investigation to obtain the information requested.

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

D. For the purpose of this section:

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

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

E. Each public board of education within this state shall promulgate a statement of that school districts' policy regarding felony record searches. The policy may permit employment for not to exceed sixty (60) days pending receipt of results of national criminal history record check requests. Prospective employees shall be notified of the requirement, the fee and the reimbursement policy

when first interviewed concerning employment. The school district's reimbursement policy shall provide, at the minimum, that employees shall be promptly reimbursed in full for the fee if employed by the district at the time the national criminal history record check request is made unless the person was employed pending receipt of results as set forth above.

F. Any person applying for employment as a substitute teacher shall only be required to have one such national criminal history record check for the school year; provided, however, a board may choose whether to require a national criminal history record check from a prospective substitute teacher who has been previously employed by the district in the last year. Upon request of the substitute teacher, that record check may be sent to any other school district in which the substitute teacher is applying to teach.

SECTION 2. This act shall become effective July 1, 2011.

SECTION 3. 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.

Passed the House of Representatives the 14th day of March, 2011.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2011.

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Presiding Officer of the Senate