

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 1418

6 By: Casey

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to schools; amending 70 O.S. 2001,
9 Section 5-142, as amended by Section 1, Chapter 406,
10 O.S.L. 2010 (70 O.S. Supp. 2010, Section 5-142),
11 which relates to criminal history record searches;
12 providing that national criminal record check may be
13 conducted by approved private company; requiring
14 board of education to request national criminal
15 record check from approved private company or from
16 State Department of Education for any person seeking
17 employment with school; providing an effective date;
18 and declaring an emergency.

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

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

23 Section 5-142. A. For purposes of employment, a board of
24 education may request 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
the board may request in writing to the State Board of Education

1 that a national criminal history record check be conducted of any
2 employee of the school ~~and~~. A board shall request ~~such information~~
3 a national criminal history record check from a private company
4 qualified to conduct a national criminal history record check and
5 approved by the State Department of Education or a national criminal
6 history record check from the State Department of Education for any
7 person seeking employment with the school. ~~The~~ If the board chooses
8 to request a national criminal history record check from the State
9 Department of Education, the Oklahoma State Bureau of Investigation
10 (OSBI) shall obtain fingerprints of the employee or prospective
11 employee and require that the person pay a search fee not to exceed
12 Fifty Dollars (\$50.00) or the cost of the search, whichever is the
13 lesser amount. The fees shall be deposited in the OSBI Revolving
14 Fund. School districts are hereby authorized to reimburse employees
15 for the cost of the search. The State Board of Education shall
16 contact the Oklahoma State Bureau of Investigation for any national
17 criminal history record of the person within fourteen (14) working
18 days of receiving a written request from the board of education.

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

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

8 D. For the purpose of this section:

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

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

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

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

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

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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