

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 3076

6 By: Dorman

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to schools; amending 70 O.S. 2011,  
9 Section 5-142, which relates to criminal history  
10 record checks; defining term; requiring board of  
11 education to request national criminal history record  
12 check for any prospective volunteer; requiring  
13 prospective volunteer or support organization to pay  
14 search fee; prohibiting future checks after  
15 prospective volunteer passes a check unless break in  
16 service occurs; and providing an effective date.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-142, is  
19 amended to read as follows:

20 Section 5-142. A. Except as otherwise provided for in  
21 subsection F of this section, for purposes of employment, a board of  
22 education may request in writing to the State Board of Education  
23 that a national criminal history record check be conducted of any  
24 employee of the school and shall request such information for any  
person seeking employment with the school. The Oklahoma State  
Bureau of Investigation (OSBI) shall obtain fingerprints of the

1 employee or prospective employee and require that the person pay a  
2 search fee not to exceed Fifty Dollars (\$50.00) or the cost of the  
3 search, whichever is the lesser amount. The fees shall be deposited  
4 in the OSBI Revolving Fund. School districts may reimburse  
5 employees for the cost of the search. The State Board of Education  
6 shall contact the Oklahoma State Bureau of Investigation for any  
7 national criminal history record of the person within fourteen (14)  
8 working days of receiving a written request from the board of  
9 education.

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

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

22 D. For the purpose of this section:

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

1        2. "National criminal history record check" means a national  
2 criminal history record check as defined in Section 150.9 of Title  
3 74 of the Oklahoma Statutes; ~~and~~

4        3. "Prospective employee" means an individual who has received  
5 an offer of temporary employment by a school district pending the  
6 results of the national criminal history record check; and

7        4. "Prospective volunteer" means a parent, guardian, or any  
8 individual who volunteers to serve on an overnight school trip or  
9 who volunteers to serve in a school athletic program and has access  
10 to student locker rooms.

11        E. Each public board of education within this state shall  
12 promulgate a statement regarding the felony record search policy for  
13 that school district. The policy may permit temporary employment of  
14 prospective employees for a maximum of sixty (60) days pending  
15 receipt of results of national criminal history record check  
16 requests. The temporary employment of the prospective employee  
17 shall terminate after sixty (60) days unless the school district  
18 receives the results of the national criminal history record check.  
19 The sixty-day temporary employment period shall begin on the first  
20 day the prospective employee reports for duty at the employing  
21 school district. Prospective employees shall be notified of the  
22 requirement, the fee and the reimbursement policy when first  
23 interviewed concerning employment. The school district's  
24 reimbursement policy shall provide, at the minimum, that employees

1 shall be promptly reimbursed in full for the fee if employed by the  
2 district at the time the national criminal history record check  
3 request is made unless the person was employed pending receipt of  
4 results as set forth above.

5 F. For any person applying for employment as a substitute  
6 teacher, a national criminal history record check shall be required  
7 for the school year; provided however, a board of education may  
8 choose whether to require a national criminal history record check  
9 from a prospective substitute teacher who has been employed by the  
10 school district in the last year. Any person applying for  
11 employment as a substitute teacher in more than one school district  
12 shall only be required to have one national criminal history record  
13 check, and, upon the request of the substitute teacher, that record  
14 check shall be sent to all other school districts in which the  
15 substitute teacher is applying to teach. Any person employed as a  
16 full-time teacher by a school district in this state in the five (5)  
17 years immediately preceding an application for employment as a  
18 substitute teacher may not be required to have a national criminal  
19 history record check, if the teacher produces a copy of a national  
20 criminal history record check completed within the preceding five  
21 (5) years and a letter from the school district in which the teacher  
22 was last employed stating the teacher left in good standing.

23 G. A board of education shall request in writing to the State  
24 Board of Education that a national criminal history record check be

1 conducted of any prospective volunteer. The OSBI shall obtain  
2 fingerprints of the prospective volunteer and require that the  
3 prospective volunteer or a support organization associated with the  
4 school district pay a search fee not to exceed Fifty Dollars  
5 (\$50.00) or the cost of the search, whichever is the lesser amount.  
6 The fees shall be deposited in the OSBI Revolving Fund. After a  
7 prospective volunteer passes a check, such individual shall not be  
8 required to submit to additional checks unless there is a break in  
9 service greater than one (1) school year.

10 H. The provisions of this section shall not apply to technology  
11 center employees hired on a part-time or temporary basis for the  
12 instruction of adult students only.

13 ~~H.~~ I. Nothing in this section shall be construed to impose  
14 liability on school districts, except in negligence, for employing  
15 prospective employees within the sixty-day temporary employment  
16 window pending the results of the national criminal history record  
17 check.

18 SECTION 2. This act shall become effective November 1, 2012.

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20 53-2-9385 GRS 02/13/12  
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