

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 252

6 By: Fields of the Senate

7 and

8 Holland of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to school employment; amending 70  
11 O.S. 2001, Section 5-142, as amended by Section 1,  
12 Chapter 406, O.S.L. 2010 (70 O.S. Supp. 2010, Section  
13 5-142), which relates to national criminal history  
14 record checks; clarifying language; establishing  
15 national criminal history record check requirement  
16 for employment as a substitute teacher; allowing  
17 school districts to waive the record check  
18 requirement under certain circumstances; requiring  
19 school districts to transfer a record check upon  
20 request of a substitute; providing an effective date;  
21 and declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-142, as  
24 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~~ Except as otherwise provided for in  
subsection F of this section, for purposes of employment, a board of

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

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

20 C. The State Board of Education shall provide the information  
21 received from the Oklahoma State Bureau of Investigation to the  
22 board of education within fourteen (14) days from the receipt of the  
23 information. The State Board of Education shall provide any follow-  
24 up information received from the OSBI concerning a person for which

1 a national criminal history record check was requested to the  
2 employing board of education.

3 D. For the purpose of this section:

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

6 2. "National criminal history record check" means a national  
7 criminal history record check as defined in Section 150.9 of Title  
8 74 of the Oklahoma Statutes.

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

22 F. For any person applying for employment as a substitute  
23 teacher, a national criminal history record check shall be required  
24 for the school year; provided however, a board of education may

1 choose not to require a record check if the person was employed by  
2 the school district during the previous school year. Any person  
3 applying for employment as a substitute teacher in more than one  
4 school district shall only be required to have one ~~such~~ national  
5 criminal history record check ~~for the school year.~~ Upon, and, upon  
6 the request of the substitute teacher, that record check may shall  
7 be sent to ~~any~~ all other school ~~district~~ districts in which the  
8 substitute teacher is applying to teach.

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

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

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