

1 ENGROSSED HOUSE
2 BILL NO. 1418

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

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4 and

Justice of the Senate
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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; allowing board of education
18 to choose whether to require national criminal
19 history record checks for certain prospective
20 employees and substitute teachers; providing an
21 effective date; 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 purposes of employment, a board of
education may request a national criminal history record check from
a private company qualified to conduct a national criminal history

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

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

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

13 D. For the purpose of this section:

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

16 2. "National criminal history record check" means a national
17 criminal history record check as defined in Section 150.9 of Title
18 74 of the Oklahoma Statutes.

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

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

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

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

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

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

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2011.

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9 Presiding Officer of the Senate