

1 ENGROSSED HOUSE  
2 BILL NO. 3076

By: Dorman of the House

and

Johnson (Rob) of the Senate

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6 An Act relating to schools; amending 70 O.S. 2011,  
7 Section 5-142, which relates to criminal history  
8 record checks; modifying and adding definitions;  
9 requiring board of education to request national  
10 criminal history record check for any direct contact  
11 unsupervised volunteer; requiring school district to  
12 pay search fee; prohibiting future checks after  
13 volunteer passes a check unless break in service  
14 occurs; permitting board of education to request  
15 national criminal history record check of school  
16 volunteer; requiring school district to pay search  
17 fee; prohibiting future check after school volunteer  
18 passes a check unless break in service occurs; and  
19 providing an effective date.

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

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

23 Section 5-142. A. Except as otherwise provided for in  
24 subsection F of this section, for purposes of employment, a board of  
education 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 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;

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

11        5. "School volunteer" means a parent, guardian, or any  
12 individual who volunteers in a capacity that gives him or her direct  
13 and unsupervised contact with students.

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

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

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

3 G. Except for extenuating circumstances due to time restraints  
4 as determined by the local school district superintendent, a board  
5 of education may request in writing to the State Board of Education  
6 that a national criminal history record check be conducted of any  
7 direct contact unsupervised volunteer. The OSBI shall obtain  
8 fingerprints of the direct contact unsupervised volunteer and  
9 require that the school district pay a search fee not to exceed  
10 Fifty Dollars (\$50.00) or the cost of the search, whichever is the  
11 lesser amount. The fees shall be deposited in the OSBI Revolving  
12 Fund. After a direct contact unsupervised volunteer passes a check,  
13 such individual shall not be required to submit to additional checks  
14 unless required by a policy adopted by the board of education.

15 H. A board of education may request in writing to the State  
16 Board of Education that a national criminal history check be  
17 conducted of any school volunteer. The OSBI shall obtain  
18 fingerprints of the school volunteer and require that the school  
19 district pay a search fee not to exceed Fifty Dollars (\$50.00) or  
20 the cost of the search, whichever is the lesser amount. The fees  
21 shall be deposited in the OSBI Revolving Fund. After the school  
22 volunteer passes a check, the volunteer shall not be required to  
23 submit to additional checks unless required by a policy adopted by  
24 the board of education.

1        I. The provisions of this section shall not apply to technology  
2 center employees hired on a part-time or temporary basis for the  
3 instruction of adult students only.

4        ~~H.~~ J. Nothing in this section shall be construed to impose  
5 liability on school districts, except in negligence, for employing  
6 prospective employees within the sixty-day temporary employment  
7 window pending the results of the national criminal history record  
8 check.

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

10       Passed the House of Representatives the 15th day of March, 2012.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.

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Presiding Officer of the Senate