

1 ENGROSSED SENATE
2 BILL NO. 59

By: Justice of the Senate

3 and

4 Osborn of the House

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6 An Act relating to school employment; amending 70
7 O.S. 2001, Section 5-142, as amended by Section 1,
8 Chapter 406, O.S.L. 2010 (70 O.S. Supp. 2010, Section
9 5-142), which relates to criminal history record
10 searches for employees and prospective employees of
11 school districts; exempting former full-time teachers
12 from criminal history record search when applying for
13 substitute teaching positions; providing an effective
14 date; and declaring an emergency.

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

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

19 Section 5-142. A. For purposes of employment, a board of
20 education may request in writing to the State Board of Education
21 that a national criminal history record check be conducted of any
22 employee of the school and shall request such information for any
23 person seeking employment with the school. The Oklahoma State
24 Bureau of Investigation (OSBI) shall obtain fingerprints of the
employee or prospective employee and require that the person pay a
search fee not to exceed Fifty Dollars (\$50.00) or the cost of the

1 search, whichever is the lesser amount. The fees shall be deposited
2 in the OSBI Revolving Fund. School districts are hereby authorized
3 to reimburse employees for the cost of the search. The State Board
4 of Education shall contact the Oklahoma State Bureau of
5 Investigation for any national criminal history record of the person
6 within fourteen (14) working days of receiving a written request
7 from the board of education.

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

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

20 D. For the purpose of this section:

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

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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.

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

16 F. Any person applying for employment as a substitute teacher
17 shall only be required to have one such national criminal history
18 record check for the school year. Upon request of the substitute
19 teacher, that record check may be sent to any other school district
20 in which the substitute teacher is applying to teach. Any person
21 employed as a full-time teacher by a school district in this state
22 in the five (5) years immediately preceding an application for
23 employment as a substitute teacher may not be required to have a
24 national criminal history record check, if the teacher produces a

1 copy of a national criminal history record check completed within
2 the preceding five (5) years and a letter from the school district
3 in which the teacher was last employed stating the teacher left in
4 good standing.

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

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

10 Passed the Senate the 21st day of February, 2011.

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Presiding Officer of the Senate

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14 Passed the House of Representatives the ____ day of _____,
15 2011.

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Presiding Officer of the House
of Representatives

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