

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1430

By: McPeak

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to schools; amending 70 O.S. 2001,  
10                   Section 5-142, as amended by Section 1, Chapter 406,  
11                   O.S.L. 2010 (70 O.S. Supp. 2010, Section 5-142),  
12                   which relates to criminal history record checks of  
13                   school employees; requiring substitute teachers to  
14                   obtain fingerprints every three years; and providing  
15                   an effective date.

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

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

20                   Section 5-142. A. For purposes of employment, a board of  
21                   education may request in writing to the State Board of Education  
22                   that a national criminal history record check be conducted of any  
23                   employee of the school and shall request such information for any  
24                   person seeking employment with the school. The Oklahoma State

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

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

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

23 D. For the purpose of this section:  
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1 1. "Board of education" includes both public and private boards  
2 of education within or outside this state; and

3 2. "National criminal history record check" means a national  
4 criminal history record check as defined in Section 150.9 of Title  
5 74 of the Oklahoma Statutes.

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

18 F. Any person applying for employment as a substitute teacher  
19 shall only be required to have one such national criminal history  
20 record check for the school year and to obtain fingerprints once  
21 every three (3) years. Upon request of the substitute teacher, that  
22 record check may be sent to any other school district in which the  
23 substitute teacher is applying to teach.

1 SECTION 2. This act shall become effective November 1, 2011.

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3 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03-02-2011  
4 - DO PASS, As Amended.  
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