

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 252

By: Fields of the Senate

and

Holland of the House

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10 COMMITTEE SUBSTITUTE

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

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

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

1 Section 5-142. A. ~~For~~ Except as otherwise provided for in
2 subsection F of this section, for purposes of employment, a board of
3 education may request in writing to the State Board of Education
4 that a national criminal history record check be conducted of any
5 employee of the school and shall request such information for any
6 person seeking employment with the school. The Oklahoma State
7 Bureau of Investigation (OSBI) shall obtain fingerprints of the
8 employee or prospective employee and require that the person pay a
9 search fee not to exceed Fifty Dollars (\$50.00) or the cost of the
10 search, whichever is the lesser amount. The fees shall be deposited
11 in the OSBI Revolving Fund. School districts ~~are hereby authorized~~
12 ~~to~~ may reimburse employees for the cost of the search. The State
13 Board of Education shall contact the Oklahoma State Bureau of
14 Investigation for any national criminal history record of the person
15 within fourteen (14) working days of receiving a written request
16 from the board of education.

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

22 C. The State Board of Education shall provide the information
23 received from the Oklahoma State Bureau of Investigation to the
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1 board of education within fourteen (14) days from the receipt of the
2 information. The State Board of Education shall provide any follow-
3 up information received from the OSBI concerning a person for which
4 a national criminal history record check was requested to the
5 employing board of education.

6 D. For the purpose of this section:

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

9 2. "National criminal history record check" means a national
10 criminal history record check as defined in Section 150.9 of Title
11 74 of the Oklahoma Statutes.

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

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1 request is made unless the person was employed pending receipt of
2 results as set forth above.

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

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
21 04-07-2011 - DO PASS, As Amended.