

1 **SENATE FLOOR VERSION**

2 April 5, 2011

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 1418

6 By: Casey, Key, Denney, Condit,  
7 Cockroft, Russ and Walker  
8 of the House

9 and

10 Justice of the Senate

11 An Act relating to schools; amending 70 O.S. 2001,  
12 Section 5-142, as amended by Section 1, Chapter 406,  
13 O.S.L. 2010 (70 O.S. Supp. 2010, Section 5-142),  
14 which relates to criminal history record searches;  
15 providing that national criminal record check may be  
16 conducted by approved private company; requiring  
17 board of education to request national criminal  
18 record check from approved private company or from  
19 State Department of Education for any person seeking  
20 employment with school; allowing board of education  
21 to choose whether to require national criminal  
22 history record checks for certain prospective  
23 employees and substitute teachers; providing an  
24 effective date; and declaring an emergency.

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

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:

Section 5-142. A. For purposes of employment, a board of  
education may request a national criminal history **name search** from a

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

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.

21 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 4-4-11 - DO PASS,  
22 As Amended and Coauthored.

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