

1 **SENATE FLOOR VERSION**

2 April 9, 2012

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 3076

6 By: Dorman of the House

7 and

8 Johnson (Rob) of the Senate

9 **[schools - criminal history record checks -
10 modifying and adding definitions - criminal history
11 record checks for volunteers - effective date]**

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

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

15 Section 5-142. A. Except as otherwise provided for in
16 subsection F of this section, for purposes of employment, a board of
17 education may request in writing to the State Board of Education
18 that a national criminal history record check be conducted of any
19 employee of the school and shall request such information for any
20 person seeking employment with the school. The Oklahoma State
21 Bureau of Investigation (OSBI) shall obtain fingerprints of the
22 employee or prospective employee and require that the person pay a
23 search fee not to exceed Fifty Dollars (\$50.00) or the cost of the
24 search, whichever is the lesser amount. The fees shall be deposited
in the OSBI Revolving Fund. School districts may reimburse

1 employees for the cost of the search. The State Board of Education
2 shall contact the Oklahoma State Bureau of Investigation for any
3 national criminal history record of the person within fourteen (14)
4 working days of receiving a written request from the board of
5 education.

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

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

18 D. For the purpose of this section:

19 1. "Board of education" includes ~~both public and private~~ boards
20 of education within or outside this state;

21 2. "National criminal history record check" means a national
22 criminal history record check as defined in Section 150.9 of Title
23 74 of the Oklahoma Statutes; ~~and~~

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1 3. "Prospective employee" means an individual who has received
2 an offer of temporary employment by a school district pending the
3 results of the national criminal history record check;

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

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

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

1 shall be promptly reimbursed in full for the fee if employed by the
2 district at the time the national criminal history record check
3 request is made unless the person was employed pending receipt of
4 results as set forth above.

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

23 G. Except for extenuating circumstances due to time restraints
24 as determined by the local school district superintendent, a board

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

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

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

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

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

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-4-12 - DO
8 PASS, As Amended.

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