

1 **SENATE FLOOR VERSION**

2 February 16, 2011

3 As Amended

4 SENATE BILL NO. 252

By: Fields of the Senate

and

Holland of the House

6
7
8 **[school employment - criminal history checks -
effective date -**

emergency]

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

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

16 Section 5-142. A. 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

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

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

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

19 D. For the purpose of this section:

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

22 2. "National criminal history record check" means a national
23 criminal history record check as defined in Section 150.9 of Title
24 74 of the Oklahoma Statutes.

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

13 F. Any person applying for employment as a substitute teacher
14 shall only be required to have one such national criminal history
15 record check for the school year. Upon request of the substitute
16 teacher, that record check ~~may~~ shall be sent to any other school
17 district in which the substitute teacher is applying to teach.

18 G. Any person employed or seeking employment as a substitute
19 teacher shall be required to have one national criminal history
20 record check every five (5) years. Persons who have had a national
21 criminal history record check within five (5) years of applying for
22 employment shall not be required to have a national criminal history
23 record check prior to employment.

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1 H. Any person having been employed by a school outside this
2 state shall be required to have a national criminal history record
3 check prior to employment as a school employee with this state.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-14-11 - DO
10 PASS, As Amended and Coauthored.