

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1384

By: Condit

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 5-142, as amended by Section 1, Chapter 406,
9 O.S.L. 2010 (70 O.S. Supp. 2010, Section 5-142),
10 which relates to criminal history record searches;
11 providing that national criminal history record check
12 may be conducted by approved private company;
13 requiring board of education to request national
14 criminal history record check from approved private
15 company or from State Department of Education for any
16 person seeking employment in the school; permitting
17 board of education to require mandatory national
18 criminal history record check of certain former
19 employees; requiring substitute teachers to have
20 national criminal history record check every three
21 years; providing an effective date; and declaring an
22 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:

Section 5-142. A. For purposes of employment, a board of
education may request a national criminal history record check from
a private company qualified to conduct a national criminal history

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