

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1430

By: McPeak

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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 checks of  
11 school employees; modifying frequency of required  
12 criminal history record check for substitute  
13 teachers; and providing an effective date.

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

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

18 Section 5-142. A. For purposes of employment, a board of  
19 education may request in writing to the State Board of Education  
20 that a national criminal history record check be conducted of any  
21 employee of the school and shall request such information for any  
22 person seeking employment with the school. The Oklahoma State  
23 Bureau of Investigation (OSBI) shall obtain fingerprints of the  
24 employee or prospective employee and require that the person pay a  
search fee not to exceed Fifty Dollars (\$50.00) or the cost of the

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

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

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

20 D. For the purpose of this section:

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

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1           2. "National criminal history record check" means a national  
2 criminal history record check as defined in Section 150.9 of Title  
3 74 of the Oklahoma Statutes.

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

16           F. Any person applying for employment as a substitute teacher  
17 shall only be required to have one such national criminal history  
18 record check ~~for the school year~~ every three (3) years. Upon  
19 request of the substitute teacher, that record check may be sent to  
20 any other school district in which the substitute teacher is  
21 applying to teach.

22           SECTION 2. This act shall become effective November 1, 2011.  
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24           53-1-6221           AM           12/29/10