

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1704

By: Denney

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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 record check may be
12 conducted by approved private company; requiring
13 board of education to request national criminal
14 record check from approved private company or from
15 State Department of Education for any person seeking
16 employment with school; providing an effective date;
17 and declaring an emergency.

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

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

22 Section 5-142. A. For purposes of employment, a board of
23 education may request a national criminal record check from a
24 private company qualified to conduct a national criminal record
check and approved by the Office of Personnel Management or the
board may request in writing to the State Board of Education that a
national criminal history record check be conducted of any employee

1 of the school ~~and~~. A board shall request such information a
2 national criminal record check from a private company qualified to
3 conduct a national criminal record check and approved by the Office
4 of Personnel Management or a national criminal history record check
5 from the State Department of Education for any person seeking
6 employment with the school. ~~The~~ If the board chooses to request a
7 national criminal history record check from the State Department of
8 Education, the Oklahoma State Bureau of Investigation (OSBI) shall
9 obtain fingerprints of the employee or prospective employee and
10 require that the person pay a search fee not to exceed Fifty Dollars
11 (\$50.00) or the cost of the search, whichever is the lesser amount.
12 The fees shall be deposited in the OSBI Revolving Fund. School
13 districts are hereby authorized to reimburse employees for the cost
14 of the search. The State Board of Education shall contact the
15 Oklahoma State Bureau of Investigation for any national criminal
16 history record of the person within fourteen (14) working days of
17 receiving a written request from the board of education.

18 B. The Oklahoma State Bureau of Investigation shall provide the
19 national criminal history record check requested by the State Board
20 of Education within fourteen (14) working days from the receipt of
21 the request. The Bureau may contact the Federal Bureau of
22 Investigation to obtain the information requested.

23 C. The State Board of Education shall provide the information
24 received from the Oklahoma State Bureau of Investigation to the

1 board of education within fourteen (14) days from the receipt of the
2 information. The State Board of Education shall provide any follow-
3 up information received from the OSBI concerning a person for which
4 a national criminal history record check was requested to the
5 employing board of education.

6 D. For the purpose of this section:

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

9 2. "National criminal history record check" means a national
10 criminal history record check as defined in Section 150.9 of Title
11 74 of the Oklahoma Statutes.

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

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1 F. Any person applying for employment as a substitute teacher
2 shall only be required to have one such national criminal history
3 record check for the school year. Upon request of the substitute
4 teacher, that record check may be sent to any other school district
5 in which the substitute teacher is applying to teach.

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

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

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