STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

HOUSE BILL 3076 By: Dorman

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 2011, Section 5-142, which relates to criminal history record checks; defining term; requiring board of education to request national criminal history check for any prospective volunteer; requiring school district to pay search fee; prohibiting future checks after prospective volunteer passes a check unless break in service occurs; and providing an effective date.

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

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

Section 5-142. A. Except as otherwise provided for in subsection F of this section, for purposes of employment, a board of education may request in writing to the State Board of Education that a national criminal history record check be conducted of any employee of the school and shall request such information for any person seeking employment with the school. The Oklahoma State Bureau of Investigation (OSBI) shall obtain fingerprints of the

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

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

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

D. For the purpose of this section:

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

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

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

4. "Prospective volunteer" includes a parent, guardian, or any individual who intends to volunteer in a capacity that gives him or her direct contact with students.

E. Each public board of education within this state shall promulgate a statement regarding the felony record search policy for that school district. The policy may permit temporary employment of prospective employees for a maximum of sixty (60) days pending receipt of results of national criminal history record check requests. The temporary employment of the prospective employee shall terminate after sixty (60) days unless the school district receives the results of the national criminal history record check. The sixty-day temporary employment period shall begin on the first day the prospective employee reports for duty at the employing school district. Prospective employees shall be notified of the requirement, the fee and the reimbursement policy when first interviewed concerning employment. The school district's reimbursement policy shall provide, at the minimum, that employees shall be promptly reimbursed in full for the fee if employed by the

district at the time the national criminal history record check request is made unless the person was employed pending receipt of results as set forth above.

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

G. <u>A board of education shall request in writing to the State Board of Education that a national criminal history record check be conducted of any prospective volunteer. The OSBI shall obtain</u>

fingerprints of the prospective volunteer and require that the school district or a support organization associated with the school district pay a search fee not to exceed Fifty Dollars ($50.00) or the cost of the search, whichever is the lesser amount. The fees shall be deposited in the OSBI Revolving Fund. After a prospective volunteer passes a check, such individual shall not be required to submit to additional checks unless there is a break in service greater than one (1) school year.

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

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

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

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