

1 STATE OF OKLAHOMA

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

3 SENATE BILL 12

By: Anderson

4  
5 AS INTRODUCED

6 An Act relating to school employment; amending 70  
7 O.S. 2001, Section 5-142, as amended by Section 1,  
8 Chapter 406, O.S.L. 2010 (70 O.S. Supp. 2010, Section  
9 5-142), which relates to criminal history record  
10 checks for current and prospective school employees;  
11 exempting adult education instructors of career  
12 technology education from criminal history record  
13 check; providing an effective date; and declaring an  
14 emergency.

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

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

19 Section 5-142. A. For purposes of employment, a board of  
20 education may request in writing to the State Board of Education  
21 that a national criminal history record check be conducted of any  
22 employee of the school and shall request such information for any  
23 person seeking employment with the school. The Oklahoma State  
24 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

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. Upon request of the substitute  
19 teacher, that record check may be sent to any other school district  
20 in which the substitute teacher is applying to teach.

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

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

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

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