

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1566

By: Mazzei

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5
6 AS INTRODUCED

7 An Act relating to school employment; amending 70
8 O.S. 2011, Section 5-142, which relates to criminal
9 records checks; providing exception for requirement
10 to conduct certain record checks; providing certain
11 definitions; allowing school district policy to
12 include certain record checks by private vendors;
13 modifying requirements for substitute teachers and
14 certain school employees; allowing school boards to
15 choose type of record check to be performed; allowing
16 for production of certain record in lieu of a new
17 record check; providing an effective date; and
18 declaring an emergency.

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

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

22 Section 5-142. A. Except as otherwise provided for in
23 subsection F of this section, for purposes of employment, a board of
24 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 unless the person seeking
employment produces a National Criminal History Record Check

1 completed in the preceding five (5) years. The Oklahoma State
2 Bureau of Investigation (OSBI) shall obtain fingerprints of the
3 employee or prospective employee and require that the person pay a
4 search fee not to exceed Fifty Dollars (\$50.00) or the cost of the
5 search, whichever is the lesser amount. The fees shall be deposited
6 in the OSBI Revolving Fund. School districts may reimburse
7 employees for the cost of the search. The State Board of Education
8 shall contact the Oklahoma State Bureau of Investigation for any
9 national criminal history record of the person within fourteen (14)
10 working days of receiving a written request from the board of
11 education.

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

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

24 D. For the purpose of this section:

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

3 2. "National criminal history record check" means a national
4 criminal history record check as defined in Section 150.9 of Title
5 74 of the Oklahoma Statutes; ~~and~~

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

9 4. "Noncertified school employee" means employees who are not
10 required by their job description to be a principal, licensed or
11 certified teacher, superintendent, or possess other professional
12 certification; and

13 5. "Criminal record search" means a criminal record check
14 conducted through a private vendor and based upon personal
15 identifiers including, but not limited to, full legal name, aliases,
16 date of birth, driver license number, and social security number.

17 E. Each public board of education within this state shall
18 promulgate a statement regarding the felony record search policy for
19 that school district. The policy may permit temporary employment of
20 prospective employees for a maximum of sixty (60) days pending
21 receipt of results of national criminal history record check
22 requests. The temporary employment of the prospective employee
23 shall terminate after sixty (60) days unless the school district
24 receives the results of the national criminal history record check.

1 The sixty-day temporary employment period shall begin on the first
2 day the prospective employee reports for duty at the employing
3 school district. Prospective employees shall be notified of the
4 requirement, the fee and the reimbursement policy when first
5 interviewed concerning employment. The school district's
6 reimbursement policy shall provide, at the minimum, that employees
7 shall be promptly reimbursed in full for the fee if employed by the
8 district at the time the national criminal history record check
9 request is made unless the person was employed pending receipt of
10 results as set forth above. The policy may also provide for a
11 national criminal record search based upon personal identifiers,
12 including but not limited to, Social Security number, date of birth,
13 and full legal name, to be conducted when a national criminal
14 history record check is not required pursuant to this section.

15 F. For any person applying for employment as a substitute
16 teacher or noncertified school employee, a national criminal history
17 record check shall not be required ~~for the school year; provided~~
18 ~~however, a.~~ A board of education may choose whether to require
19 shall either conduct a national criminal history record check ~~from a~~
20 ~~prospective substitute teacher who has been employed by the school~~
21 ~~district in the last year~~ or a national criminal record search for
22 all persons applying for employment as a substitute teacher or
23 noncertified school employee. Any person applying for employment as
24 a substitute teacher in more than one school district shall only be

1 required to have one national criminal history record check or
2 criminal record search, and, upon the request of the substitute
3 teacher, that record check shall be sent to all other school
4 districts in which the substitute teacher is applying to teach. Any
5 person employed as a full-time teacher by a school district in this
6 state in the five (5) years immediately preceding an application for
7 employment as a substitute teacher may ~~not be required to have a~~
8 ~~national criminal history record check, if the teacher produces~~
9 produce a copy of a national criminal history record check completed
10 within the preceding five (5) years and a letter from the school
11 district in which the teacher was last employed stating the teacher
12 left in good standing in lieu of completing a national criminal
13 record history check or criminal record search as provided in this
14 subsection.

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

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

23 SECTION 2. This act shall become effective July 1, 2012.
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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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