

STATE OF OKLAHOMA

2nd Session of the 52nd Legislature (2010)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 2199

By: Coffee and Easley of the
Senate

and

Jones of the House

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2001, Section 5-142, which relates to criminal history record searches by certain school districts; deleting certain restrictions; modifying type of criminal history record check that may be requested and conducted; requiring certain criminal history record check be conducted on persons seeking employment; deleting certain specifications; deleting specific content to be provided with the request; requiring the State Board of Education to provide follow-up information when received; providing certain definition; repealing 70 O.S. Supp. 2001, Section 5-142.1, which relates to criminal history record searches by certain school districts; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-142, is amended to read as follows:

1 Section 5-142. A. ~~The provisions of this section shall apply~~
2 ~~to a school district with an average daily membership of thirty~~
3 ~~thousand (30,000) students or less.~~ For purposes of employment, a
4 ~~local~~ board of education may request in writing ~~from~~ to the State
5 Board of Education ~~information concerning any felony offense~~
6 ~~conviction~~ that a national criminal history record check be
7 conducted of any employee of the school ~~or~~ and shall request such
8 information for any person seeking employment with the school. The
9 ~~request shall specify whether the felony record search is to be~~
10 ~~based only on the name submitted by the employee or prospective~~
11 ~~employee or on the basis of fingerprints to be required of the~~
12 ~~employee or prospective employee.~~ The request shall further specify
13 ~~whether the search is to be a state or national search.~~ If a
14 ~~national search is requested, the search shall be based on~~
15 ~~fingerprints, and the Oklahoma State Bureau of Investigation (OSBI)~~
16 shall obtain fingerprints of the employee or prospective employee
17 and require that ~~said~~ the person pay a search fee not to exceed
18 Fifty Dollars (\$50.00) or the cost of the search, whichever is the
19 lesser amount. The fees shall be deposited in the OSBI Revolving
20 Fund. School districts are hereby authorized to reimburse employees
21 for the cost of the search. The State Board of Education shall
22 contact the Oklahoma State Bureau of Investigation for any ~~felony~~
23 national criminal history record of ~~said~~ the person within fourteen
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1 (14) working days of receiving a written request from the board of
2 education.

3 B. The Oklahoma State Bureau of Investigation shall provide the
4 ~~felony~~ national criminal history record check requested by the State
5 Board of Education within fourteen (14) working days from the
6 receipt of ~~said~~ the request. The Bureau may contact the Federal
7 Bureau of Investigation ~~as regards~~ to obtain the information
8 requested, ~~to obtain any felony convictions of the person involved.~~
9 ~~The felony record provided by the Oklahoma State Bureau of~~
10 ~~Investigation shall include the name of the person, whether or not~~
11 ~~said person has been convicted of any felony offense, a list of any~~
12 ~~felony convictions, and the dates of such convictions.~~

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

20 D. For the purpose of this section, ~~"board:~~

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

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. ~~If the~~ The policy ~~requires felony record~~
7 ~~searches, the policy~~ may permit employment for not to exceed sixty
8 (60) days pending receipt of results of ~~felony search~~ national
9 criminal history record check requests. ~~If the policy requires a~~
10 ~~search based on fingerprints, prospective~~ Prospective employees
11 shall be notified of the requirement, the fee and the reimbursement
12 policy when first interviewed concerning employment. The school
13 district's reimbursement policy shall provide, at the minimum, that
14 employees shall be promptly reimbursed in full for the fee if
15 employed by the district at the time the ~~felony search~~ national
16 criminal history record check request is made unless the person was
17 employed pending receipt of results as set forth above.

18 F. Any person applying for employment as a substitute teacher
19 shall only be required to have one such ~~felony~~ national criminal
20 history record ~~search~~ check for the school year. Upon request of
21 the substitute teacher, that ~~felony~~ record ~~search~~ check may be sent
22 to any other school district in which the substitute teacher is
23 applying to teach.

1 SECTION 2. REPEALER 70 O.S. Supp. 2001, Section 5-142.1,
2 is hereby repealed.

3 SECTION 3. This act shall become effective July 1, 2010.

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

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