

05/21/2013 09:16:04 AM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2228

By: Dorman of the House and Loveless of the Senate

Title: Schools; creating the Protect Against Pedophiles Act; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB2228 CCR (A)
HOUSE CONFEREES

Cannaday, Ed

Christian, Mike



Grau, Randy



Hardin, Tommy



Hoskin, Chuck

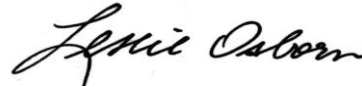
Jordan, Fred



Martin, Steve



Osborn, Leslie



Ownbey, Pat



Pruett, R. C.



Renegar, Brian

Ritze, Mike

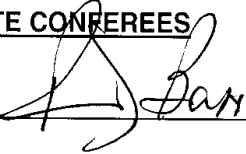
Vaughan, Steve



Walker, Ken




SENATE CONFEREES

Bass 

Branan _____

Brinkley 

Coates 

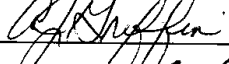
Crain _____

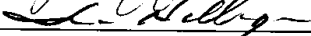
David 

Ellis _____

Fields 

Ford 

Griffin 

Halligan 

Holt _____

Ivester _____

C. Johnson 

R. Johnson 

Jolley 

Justice 

Marlatt _____

Mazzei _____

Newberry _____

Paddack _____

Standridge 

Stanislowski 

Sykes 

Treat 

Wyrick 

House Action _____ Date _____ Senate Action _____ Date _____

AUTHOR(s)/COAUTHOR(s) CURRENTLY IN THE QUEUE for HB2228

As of 5/21/2013 9:19:10 AM

Add as coauthor Senator David

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2228

By: Dorman and Nollan of the
House

and

Loveless of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2011, Section 5-142, as amended by Section 6, Chapter 354, O.S.L. 2012 (70 O.S. Supp. 2012, Section 5-142), which relates to criminal history record checks; adding definitions; permitting board of education to request criminal history record check for certain volunteers; permitting higher education institution to request criminal history check for certain volunteers; providing for compliance with certain act; providing for inapplicability; 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, as amended by Section 6, Chapter 354, O.S.L. 2012 (70 O.S. Supp. 2012, 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

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

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

20 C. The State Board of Education shall provide the information
21 received from the Oklahoma State Bureau of Investigation to the
22 board of education within fourteen (14) days from the receipt of the
23 information. The State Board of Education shall provide any follow-
24 up information received from the OSBI concerning a person for which

1 a national criminal history record check was requested to the
2 employing board of education.

3 D. For the purpose of this section:

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

6 2. "National criminal history record check" means a national
7 criminal history record check as defined in Section 150.9 of Title
8 74 of the Oklahoma Statutes; ~~and~~

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

12 4. "Prospective volunteer" means a parent, guardian or any
13 individual who intends to volunteer in a capacity that gives him or
14 her direct contact with students on a regularly scheduled or
15 continuing basis; and

16 5. "Student volunteer" means a student enrolled in an
17 accredited institution of higher education who, in carrying out his
18 or her coursework, will have or is likely to have direct contact
19 with students in public or private schools.

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

1 requests. The temporary employment of the prospective employee
2 shall terminate after sixty (60) days unless the school district
3 receives the results of the national criminal history record check.
4 The sixty-day temporary employment period shall begin on the first
5 day the prospective employee reports for duty at the employing
6 school district. Prospective employees shall be notified of the
7 requirement, the fee and the reimbursement policy when first
8 interviewed concerning employment. The school district's
9 reimbursement policy shall provide, at the minimum, that employees
10 shall be promptly reimbursed in full for the fee if employed by the
11 district at the time the national criminal history record check
12 request is made unless the person was employed pending receipt of
13 results as set forth above.

14 F. 1. For any person applying for employment as a substitute
15 teacher, a national criminal history record check shall be required
16 for the school year; provided however, a board of education may
17 choose whether to require a national criminal history record check
18 from a prospective substitute teacher who has been employed by the
19 school district in the last year. Any person applying for
20 employment as a substitute teacher in more than one school district
21 shall only be required to have one national criminal history record
22 check, and, upon the request of the substitute teacher, that record
23 check shall be sent to all other school districts in which the
24 substitute teacher is applying to teach.

1 2. Any person employed as a full-time teacher by a school
2 district in this state in the five (5) years immediately preceding
3 an application for employment as a substitute teacher may not be
4 required to have a national criminal history record check, if the
5 teacher produces a copy of a national criminal history record check
6 completed within the preceding five (5) years and a letter from the
7 school district in which the teacher was last employed stating the
8 teacher left in good standing.

9 3. Any person employed as a full-time teacher by a school
10 district in this state for ten (10) or more consecutive years
11 immediately preceding an application for employment as a substitute
12 teacher in the same school district may not be required to have a
13 national criminal history record check for as long as the person
14 remains employed for consecutive years by that school district as a
15 substitute teacher, if the teacher left full-time employment in good
16 standing. If the teacher applies for employment as a substitute
17 teacher in another school district, a national criminal history
18 record check shall be required.

19 G. Except for extenuating circumstances due to time restraints
20 as determined by the local school district superintendent, a board
21 of education may request in writing to the OSBI that a national
22 criminal history record check be conducted of any prospective
23 volunteer who will have or is likely to have unsupervised access to
24 students at a school site or on a school-sponsored trip. The OSBI

1 shall obtain fingerprints of the prospective volunteer and require
2 that the school district pay a search fee not to exceed Fifty
3 Dollars (\$50.00) or the cost of the search, whichever is the lesser
4 amount. The fees shall be deposited in the OSBI Revolving Fund. At
5 the discretion of the school district, the cost of the search fee
6 may be passed on to the prospective volunteer or to another entity.
7 After a prospective volunteer passes a check, such individual shall
8 not be required to submit to additional checks unless required by a
9 policy adopted by the board of education.

10 H. Except for extenuating circumstances due to the restraints
11 as determined by the local school district superintendent, a board
12 of education may request in writing to the OSBI that an Oklahoma
13 criminal history record check with fingerprint analysis be conducted
14 of any prospective volunteer who will have or is likely to have
15 supervised access to students at a school site or on a school-
16 sponsored trip. The OSBI shall require that the school district pay
17 a search fee of not to exceed Nineteen Dollars (\$19.00) or the cost
18 of the search, whichever is the lesser amount. The fees shall be
19 deposited in the OSBI Revolving Fund. At the discretion of the
20 school district, the cost of the search fee may be passed on to the
21 prospective volunteer or to another entity. After a prospective
22 volunteer passes a check, such individual shall not be required to
23 submit to additional checks unless required by a policy adopted by
24 the board of education.

1 I. An accredited institution of higher education may request in
2 writing to the State Department of Education that a national
3 criminal history record check be conducted for a student volunteer.
4 The OSBI shall obtain fingerprints of the student volunteer and
5 require that the student volunteer pay the cost of the search. The
6 fees shall be deposited in the OSBI Revolving Fund. The State
7 Department of Education shall make the results of the check
8 available upon request to any public school district or private
9 school where the student volunteer will have or is likely to have
10 direct contact with students. Unless otherwise required by board of
11 education policy, by law, or for employment or professional
12 certification purposes, a student volunteer shall not be required to
13 submit to additional checks under this section as long as the
14 student volunteer remains continuously enrolled in an accredited
15 institution of higher education, or for a period of five (5) years,
16 whichever is shorter. However, the State Board of Education shall
17 be authorized to accept the results of a national criminal history
18 record check performed pursuant to this subsection to meet the
19 requirements of Section 6-190 of this title if the record check was
20 performed within one (1) year of the person seeking certification.

21 J. The provisions of this section shall comply with the Civil
22 Rights Act of 1964.
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24

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

4 ~~H.~~ L. The provisions of this section shall not apply to
5 prospective volunteers who have or are likely to have unsupervised
6 access to students and who serve as medical professionals, sports
7 referees, school concession stand volunteers or in similar
8 capacities, as determined by the local board of education.

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

14 SECTION 2. This act shall become effective November 1, 2013.

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16 54-1-8063 AM 05/15/13
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