

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE BILL 2228

By: Dorman of the House

5 and

6 Loveless of the Senate

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8
9 AS INTRODUCED

10 An Act relating to schools; creating the Protect
11 Against Pedophiles Act; amending 70 O.S. 2011,
12 Section 5-142, as amended by Section 6, Chapter 354,
13 O.S.L. 2012 (70 O.S. Supp. 2012, Section 5-142),
14 which relates to criminal history record checks;
15 adding definition; permitting board of education to
16 request national criminal history record check for
17 any prospective volunteer; requiring school district
18 to pay search fee; prohibiting future checks after
19 volunteer passes a check unless required by board of
20 education policy; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:

24 This act shall be known and may be cited as the "Protect Against
Pedophiles Act (PAPA)".

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 5-142, as
2 amended by Section 6, Chapter 354, O.S.L. 2012 (70 O.S. Supp. 2012,
3 Section 5-142), is amended to read as follows:

4 Section 5-142. A. Except as otherwise provided for in
5 subsection F of this section, for purposes of employment, a board of
6 education may request in writing to the State Board of Education
7 that a national criminal history record check be conducted of any
8 employee of the school and shall request such information for any
9 person seeking employment with the school. The Oklahoma State
10 Bureau of Investigation (OSBI) shall obtain fingerprints of the
11 employee or prospective employee and require that the person pay a
12 search fee not to exceed Fifty Dollars (\$50.00) or the cost of the
13 search, whichever is the lesser amount. The fees shall be deposited
14 in the OSBI Revolving Fund. School districts may reimburse
15 employees for the cost of the search. The State Board of Education
16 shall contact the Oklahoma State Bureau of Investigation for any
17 national criminal history record of the person within fourteen (14)
18 working days of receiving a written request from the board of
19 education.

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

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

10 D. For the purpose of this section:

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

13 2. "National criminal history record check" means a national
14 criminal history record check as defined in Section 150.9 of Title
15 74 of the Oklahoma Statutes; ~~and~~

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

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

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

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

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

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

1 G. Except for extenuating circumstances due to time restraints
2 as determined by the local school district superintendent, a board
3 of education may request in writing to the State Board of Education
4 that a national criminal history record check be conducted of any
5 prospective volunteer. The OSBI shall obtain fingerprints of the
6 prospective volunteer and require that the school district 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. After a prospective volunteer passes a
10 check, such individual shall not be required to submit to additional
11 checks unless required by a policy adopted by the board of
12 education.

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

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

21 SECTION 3. This act shall become effective November 1, 2013.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/27/2013 -
24 DO PASS, As Coauthored.