

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 2228

By: Dorman

AS INTRODUCED

An Act relating to schools; creating the Protect Against Pedophiles Act; 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 definition; permitting board of education to request national criminal history record check for any prospective volunteer; requiring school district to pay search fee; prohibiting future checks after volunteer passes a check unless required by board of education policy; and providing an effective date.

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

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

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

SECTION 2. 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; and

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.

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

1 school district. Prospective employees shall be notified of the
2 requirement, the fee and the reimbursement policy when first
3 interviewed concerning employment. The school district's
4 reimbursement policy shall provide, at the minimum, that employees
5 shall be promptly reimbursed in full for the fee if employed by the
6 district at the time the national criminal history record check
7 request is made unless the person was employed pending receipt of
8 results as set forth above.

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

20 2. Any person employed as a full-time teacher by a school
21 district in this state in the five (5) years immediately preceding
22 an application for employment as a substitute teacher may not be
23 required to have a national criminal history record check, if the
24 teacher produces a copy of a national criminal history record check

1 completed within the preceding five (5) years and a letter from the
2 school district in which the teacher was last employed stating the
3 teacher left in good standing.

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

14 G. Except for extenuating circumstances due to time restraints
15 as determined by the local school district superintendent, a board
16 of education may request in writing to the State Board of Education
17 that a national criminal history record check be conducted of any
18 prospective volunteer. The OSBI shall obtain fingerprints of the
19 prospective volunteer and require that the school district pay a
20 search fee not to exceed Fifty Dollars (\$50.00) or the cost of the
21 search, whichever is the lesser amount. The fees shall be deposited
22 in the OSBI Revolving Fund. After a prospective volunteer passes a
23 check, such individual shall not be required to submit to additional
24

1 checks unless required by a policy adopted by the board of
2 education.

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

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

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

12

13 54-1-6720 AM 01/17/13

14

15

16

17

18

19

20

21

22

23

24