

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 29

 By: Thompson and Pittman of the
 Senate

6 and

7 Casey of the House

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10 An Act relating to teachers; amending 70 O.S. 2011,
11 Section 5-142, as last amended by Section 1, Chapter
12 12, O.S.L. 2015 (70 O.S. Supp. 2016, Section 5-142),
13 which relates to criminal history record check
14 requirements for school employees; providing that a
 criminal history record check shall not be required
 for individuals certified within certain time period;
 providing an effective date; and declaring an
 emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-142, as
19 last amended by Section 1, Chapter 12, O.S.L. 2015 (70 O.S. Supp.
20 2016, Section 5-142), is amended to read as follows:

21 Section 5-142. A. Except as otherwise provided for in
22 subsection F of this section, for purposes of employment, a board of
23 education may request in writing to the State Board of Education
24 that a national criminal history record check be conducted of any

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

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

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

1 up information received from the OSBI concerning a person for which
2 a national criminal history record check was requested to the
3 employing board of education.

4 D. For the purpose of this section:

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

7 2. "Employing agency" means a political subdivision or law
8 enforcement agency in this state;

9 3. "Law enforcement officer" means a peace or police officer
10 who is certified by the Council on Law Enforcement Education and
11 Training;

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

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

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

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

12 F. 1. Any person who has been employed as a full-time teacher
13 by a school district in this state and applies for employment as a
14 full-time teacher in another school district in this state may not
15 be required to have a national criminal history record check if the
16 teacher produces a copy of a national criminal history record check
17 completed within the preceding five (5) years and a letter from the
18 school district in which the teacher was employed stating the
19 teacher left in good standing.

20 2. For any person applying for employment as a substitute
21 teacher, a national criminal history record check shall be required
22 for the school year; provided however, a board of education may
23 choose whether to require a national criminal history record check
24 from a prospective substitute teacher who has been employed by the

1 school district in the last year. Any person applying for
2 employment as a substitute teacher in more than one school district
3 shall only be required to have one national criminal history record
4 check, and, upon the request of the substitute teacher, that record
5 check shall be sent to all other school districts in which the
6 substitute teacher is applying to teach.

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

15 4. Any person employed as a substitute teacher by a school
16 district in this state for a minimum of five (5) years immediately
17 preceding an application for employment as a full-time teacher in a
18 school district in this state may not be required to have a national
19 criminal history record check if the teacher produces a copy of a
20 national criminal history record check completed within the
21 preceding five (5) years and a letter from the school district in
22 which the teacher was employed as a substitute teacher stating the
23 teacher left in good standing.

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

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

14 H. The provisions of this section shall not apply to law
15 enforcement officers who are employed by an employing agency at the
16 time of application for employment at a public school district.

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

22 SECTION 2. This act shall become effective July 1, 2017.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 04/05/2017
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