

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 430

By: Pugh

AS INTRODUCED

An Act relating to record checks for school employment; amending 70 O.S. 2011, Section 5-142, as last amended by Section 1, Chapter 199, O.S.L. 2017 (70 O.S. Supp. 2018, Section 5-142), which relates to national criminal history record checks for school employment; allowing the State Board of Education to provide certain records to certain board of education if request is made within certain time frame; amending 70 O.S. 2011, Section 6-190, as last amended by Section 1, Chapter 229, O.S.L. 2018 (70 O.S. Supp. 2018, Section 6-190), which relates to qualifications for teacher certification and employment; allowing certain record checks obtained for certain purpose to be used for another purpose if the record checks were obtained within certain time frame; updating statutory reference; 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. 2011, Section 5-142, as last amended by Section 1, Chapter 199, O.S.L. 2017 (70 O.S. Supp. 2018, 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 education may request in writing to the State Board of Education

1 that a national criminal history record check be conducted of any
2 employee of the school and shall request such information for any
3 person seeking employment with the school; provided that a board of
4 education shall not be required to obtain a new criminal history
5 record check for an individual who has obtained certification from
6 the State Department of Education within the previous twelve (12)
7 months. The Oklahoma State Bureau of Investigation (OSBI) shall
8 obtain fingerprints of the employee or prospective employee and
9 require that the person pay a search fee not to exceed Fifty Dollars
10 (\$50.00) or the cost of the search, whichever is the lesser amount.
11 The fees shall be deposited in the OSBI Revolving Fund. School
12 districts may reimburse employees for the cost of the search. The
13 State Board of Education shall contact the Oklahoma State Bureau of
14 Investigation for any national criminal history record of the person
15 within fourteen (14) working days of receiving a written request
16 from the board of education. Upon receipt of a request from a board
17 of education for the results of the national and state criminal
18 history record checks conducted pursuant to Section 6-190 of this
19 title for an employee or prospective employee who has received
20 initial educator certification within the previous twelve (12)
21 months, the State Board of Education may provide such records to the
22 requesting school district.

23 B. The Oklahoma State Bureau of Investigation shall provide the
24 national criminal history record check requested by the State Board

1 of Education within fourteen (14) working days from the receipt of
2 the request. The Bureau may contact the Federal Bureau of
3 Investigation to obtain the information requested.

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

11 D. For the purpose of this section:

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

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

16 3. "Law enforcement officer" means a peace or police officer
17 who is certified by the Council on Law Enforcement Education and
18 Training;

19 4. "National criminal history record check" means a national
20 criminal history record check as defined in Section 150.9 of Title
21 74 of the Oklahoma Statutes; and

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

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

19 F. 1. Any person who has been employed as a full-time teacher
20 by a school district in this state and applies for employment as a
21 full-time teacher in another school district in this state may not
22 be required to have a national criminal history record check if the
23 teacher produces a copy of a national criminal history record check
24 completed within the preceding five (5) years and a letter from the

1 school district in which the teacher was employed stating the
2 teacher left in good standing.

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

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

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

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

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

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

23 I. Nothing in this section shall be construed to impose
24 liability on school districts, except in negligence, for employing

1 prospective employees within the sixty-day temporary employment
2 window pending the results of the national criminal history record
3 check.

4 SECTION 2. AMENDATORY 70 O.S. 2011, Section 6-190, as
5 last amended by Section 1, Chapter 229, O.S.L. 2018 (70 O.S. Supp.
6 2018, Section 6-190), is amended to read as follows:

7 Section 6-190. A. The board of education of each school
8 district shall employ and contract in writing, as required in
9 Section 6-101 of this title, only with persons certified to teach by
10 the State Board of Education in accordance with the Oklahoma Teacher
11 Preparation Act, except as otherwise provided for by Section 6-101
12 of this title and by other law.

13 B. The Board shall issue a certificate to teach to any person
14 who:

15 1. Has successfully completed the teacher education program
16 required by the Commission for Educational Quality and
17 Accountability;

18 2. Has graduated from an accredited institution of higher
19 education that has approval or accreditation for teacher education,

20 3. Has met all other requirements as may be established by the
21 Board;

22 4. Has made the necessary application and paid the competency
23 examination fee in an amount and as prescribed by the Commission,
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1 5. Has successfully completed the competency examination
2 required in Section 6-187 of this title; and

3 6. ~~Beginning November 1, 2001, has~~ Has on file with the Board a
4 current Oklahoma criminal history record from the Oklahoma State
5 Bureau of Investigation as well as a national criminal history
6 record check as defined in Section 150.9 of Title 74 of the Oklahoma
7 Statutes. Upon receipt of the Oklahoma criminal history record, the
8 Board may issue a temporary certificate which shall be effective
9 until receipt of the national fingerprint-based criminal history
10 record. The person applying for a certificate shall be responsible
11 for the cost of the criminal history records. National and state
12 criminal history record checks obtained to satisfy the requirements
13 of this section for certification purposes may also be used to
14 satisfy the requirements of Section 5-142 of this title for
15 employment purposes, provided that the criminal history records
16 obtained in accordance with this section are requested by the
17 employing school district board of education within twelve (12)
18 months after the applicant or employee received initial
19 certification.

20 C. The Board shall issue a certificate to teach to any person
21 who:

22 1. Holds an out-of-state certificate and meets the requirements
23 set forth in subsection F of this section;

1 2. Holds certification from the National Board for Professional
2 Teaching Standards;

3 3. Holds an out-of-country certificate and meets the
4 requirements set forth in subsection F of this section; or

5 4. Has successfully completed a competency examination used in
6 the majority of other states or comparable customized exam and meets
7 the requirements set forth in subsection G of this section.

8 D. Beginning July 1, 2004, any person applying for initial
9 Oklahoma certification shall have on file with the Board a current
10 Oklahoma criminal history record from the Oklahoma State Bureau of
11 Investigation as well as a national criminal history record check as
12 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon
13 receipt of the Oklahoma criminal history record, the Board may issue
14 a temporary certificate which shall be effective until receipt of
15 the national fingerprint-based criminal history record. The person
16 applying for a certificate shall be responsible for the cost of the
17 criminal history records.

18 E. Any person holding a valid certificate, issued prior to
19 January 1, 1997, shall be a certified teacher for purposes of the
20 Oklahoma Teacher Preparation Act, subject to any professional
21 development requirements prescribed by the Oklahoma Teacher
22 Preparation Act or by the State Board of Education.

23 F. 1. The Board shall issue a certificate to teach to a person
24 who holds a valid out-of-state certificate or to a person who holds

1 a valid out-of-country certificate and meets any requirements
2 established by the Board. The certificate to teach shall only be
3 for those subject areas and grade levels most closely aligned to the
4 subject areas and grade levels recognized on the out-of-state or
5 out-of-country certificate.

6 2. A person who meets the requirements of paragraph 1 of this
7 subsection shall not be required to take any competency examinations
8 in those subject areas and grade levels most closely aligned to the
9 subject areas and grade levels recognized on the out-of-state or
10 out-of-country certificate.

11 3. A person who meets the requirements of paragraph 1 of this
12 subsection shall have on file with the Board a current Oklahoma
13 criminal history record check from the Oklahoma State Bureau of
14 Investigation as well as a national criminal history record check as
15 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon
16 receipt of the Oklahoma criminal history record check, the Board may
17 issue a temporary certificate which shall be effective until receipt
18 of the national fingerprint-based criminal history record check.
19 The person applying for a certificate shall be responsible for the
20 cost of the criminal history record checks.

21 4. The Board shall promulgate rules establishing a process by
22 which out-of-country certificates will be reviewed and evaluated for
23 purposes of awarding a certificate to teach pursuant to this
24 subsection.

1 G. 1. The Board shall issue a certificate to teach to a person
2 who has successfully completed a competency exam used in a majority
3 of the other states. The certificate to teach shall only be for
4 those subject areas and grade levels that correspond with a
5 certification area used in Oklahoma.

6 2. A person who meets the requirements of paragraph 1 of this
7 subsection shall have on file with the Board a current Oklahoma
8 criminal history record check from the Oklahoma State Bureau of
9 Investigation as well as a national criminal history record check as
10 defined in Section 150.9 of Title 74 of the Oklahoma Statutes. Upon
11 receipt of the Oklahoma criminal history record check, the Board may
12 issue a temporary certificate which shall be effective until receipt
13 of the national fingerprint-based criminal history record check.
14 The person applying for a certificate shall be responsible for the
15 cost of the criminal history record checks.

16 H. The Board shall issue a lead teaching certificate to any
17 person who upon application:

18 1. Has successfully completed the requirements of this
19 subsection;

20 2. Has a minimum of five (5) years of experience as a teacher;

21 3. Participates in a meaningful individualized program of
22 professional development, as provided for in Section 6-101.10 of
23 this title;
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1 4. Has earned a "highly effective" or "superior" rating
2 pursuant to Section 6-101.16 of this title; and

3 5. May have a teaching load of not more than seventy-five
4 percent (75%) student instruction to allow the teacher to mentor
5 other teachers.

6 I. 1. The Board shall issue a master teaching certificate to
7 any person who upon application:

8 a. has successfully completed the requirements of this
9 subsection,

10 b. has a minimum of seven (7) years of experience as a
11 teacher, and

12 c. (1) has earned a "superior" rating pursuant to
13 Section 6-101.16 of this title, or

14 (2) has earned a "highly effective" rating pursuant
15 to Section 6-101.16 of this title and holds or
16 has held a National Board certification from the
17 National Board for Professional Teaching
18 Standards.

19 2. Teachers with a master teaching certificate may assume
20 leadership roles that include but are not limited to:

21 a. the planning and delivery of professional development
22 activities designed to improve instructional
23 strategies,

1 b. the facilitation of an instructional leadership team
2 within the building or school district in which the
3 lead teacher is assigned, and

4 c. the mentoring of other teachers and participation in
5 evaluations of other teachers.

6 3. Teachers with a master teaching certificate may have a
7 teaching load of not more than fifty percent (50%) student
8 instruction to allow the lead teacher to spend time on:

9 a. co-teaching,

10 b. co-planning,

11 c. peer reviews, and

12 d. other duties mutually agreed upon by the
13 superintendent and the master teacher, and may be used
14 to satisfy the qualitative evaluation component for
15 teachers as required by Section 6-101.16 of this title
16 by performing the duties set forth in this paragraph.

17 J. The State Board of Education shall adopt rules to implement
18 a renewal schedule and associated fees for lead and master teaching
19 certificates. The rules shall allow a teacher that no longer meets
20 the requirements of a lead or master teaching certificate to make
21 application for the standard teaching certificate.

22 K. The terms of the contracts issued to those holding lead and
23 master teaching certificates shall include the following:

1 1. Lead: an additional ten (10) days to be used to strengthen
2 instructional leadership. A person with a lead teaching certificate
3 shall receive an annual salary supplement of at least Three Thousand
4 Dollars (\$3,000.00) or the district's daily rate of pay, whichever
5 is higher, in addition to the salary for which the teacher qualifies
6 pursuant to Section 18-114.14 of this title; and

7 2. Master: an additional fifteen (15) days to be used to
8 strengthen leadership. A person with a master teaching certificate
9 shall receive an annual salary supplement of at least Five Thousand
10 Dollars (\$5,000.00) or the district's daily rate of pay, whichever
11 is higher, in addition to the salary for which the teacher qualifies
12 pursuant to Section 18-114.14 of this title.

13 If a person with a lead or master teaching certificate changes
14 school districts during the life of the certificate, the terms of
15 the contracts required in this subsection shall be subject to
16 approval by the new employing school district.

17 L. 1. Any person who is eligible for a lead or master teaching
18 certificate described in this section shall make application for the
19 following school year with the State Board of Education. The
20 application shall include a recommendation from the local board of
21 education and determination that the applicant has met the statutory
22 criteria. In reviewing an application, the local school board of
23 education and the superintendent shall consider the ability of the
24 school district to fulfill the additional requirements described in

1 subsections H and I of this section before making a recommendation
2 to the State Board of Education.

3 2. The State Department of Education shall develop an
4 application to implement the provisions of this subsection and make
5 it available to school districts.

6 M. Beginning in the 2021-2022 school year, the Department shall
7 make the teaching certificates provided for in this section
8 available for any person who has received a recommendation from
9 their local board of education and who meets the eligibility
10 criteria.

11 N. For the 2019-2020 and 2020-2021 school years, the Department
12 shall identify school districts to implement the teaching
13 certificates provided for in this section on a pilot program basis
14 with the assistance of public-private partnerships, funding from
15 philanthropic organizations or federal grants.

16 O. The Department shall seek funding necessary for the
17 administration of this section. If funding for the administration
18 of the teaching certificates listed in paragraphs H and I is not
19 available, the Department shall not be required to fulfill the
20 requirements listed in subsections K, L, M and N of the section.

21 P. The State Board of Education shall promulgate rules to
22 implement the provisions of this ~~act~~ section.

23 SECTION 3. This act shall become effective July 1, 2019.
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1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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