

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4133

By: May

6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Section 5-142, which relates to school employee  
9 criminal history record checks; authorizing board of  
10 education to request criminal history record check  
11 for certain persons; updating reference to specified  
12 date; and providing an effective date.

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

13 SECTION 1. AMENDATORY 70 O.S. 2021, Section 5-142, is  
14 amended to read as follows:

15 Section 5-142. A. Except as otherwise provided for in  
16 subsection F of this section, for purposes of employment, a board of  
17 education may request in writing to the State Board of Education  
18 that a national criminal history record check be conducted of any  
19 employee of the school and shall request such information for any  
20 person seeking employment with the school; provided that a board of  
21 education shall not be required to obtain a new criminal history  
22 record check for an individual who has obtained certification from  
23 the State Department of Education within the previous twelve (12)  
24 months. A board of education may also request in writing to the

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

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

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

D. For the purpose of this section:

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

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

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

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

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

E. Each public board of education within this state shall promulgate a statement regarding the felony record search policy for that school district. The policy may permit temporary employment of prospective employees for a maximum of sixty (60) days pending receipt of results of national criminal history record check requests. The temporary employment of the prospective employee shall terminate after sixty (60) days unless the school district receives the results of the national criminal history record check. The sixty-day temporary employment period shall begin on the first 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 a 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. Any person who has been employed as a full-time teacher  
10 by a school district in this state and applies for employment as a  
11 full-time teacher in another school district in this state may not  
12 be required to have a national criminal history record check if the  
13 teacher produces a copy of a national criminal history record check  
14 completed within the preceding five (5) years and a letter from the  
15 school district in which the teacher was employed stating the  
16 teacher left in good standing.

17 2. 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  
24 shall only be required to have one national criminal history record

1 check, and, upon the request of the substitute teacher, that record  
2 check shall be sent to all other school districts in which the  
3 substitute teacher is applying to teach.

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

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

21 5. Any person employed as a full-time teacher by a school  
22 district in this state for ten (10) or more consecutive years  
23 immediately preceding an application for employment as a substitute  
24 teacher in the same school district may not be required to have a

1 national criminal history record check for as long as the person  
2 remains employed for consecutive years by that school district as a  
3 substitute teacher, if the teacher left full-time employment in good  
4 standing. If the teacher applies for employment as a substitute  
5 teacher in another school district, a national criminal history  
6 record check shall be required.

7 G. 1. Except as otherwise provided by this subsection, any  
8 teacher employed by an Oklahoma school district prior to ~~the~~  
9 ~~effective date of this act~~ May 19, 2020, who does not have an  
10 Oklahoma criminal history record check from the Oklahoma State  
11 Bureau of Investigation as well as a national criminal history  
12 record check, as defined in Section 150.9 of Title 74 of the  
13 Oklahoma Statutes, on file with his or her employing district as  
14 required by this section shall complete the criminal history record  
15 checks upon the next renewal of his or her Standard Teaching  
16 Certificate as required by Section 6-154.1 of this title or State  
17 Board of Education administrative rules promulgated thereto.

18 2. Except as otherwise provided by this subsection, any other  
19 person employed by an Oklahoma school district prior to ~~the~~  
20 ~~effective date of this act~~ May 19, 2020, who does not have an  
21 Oklahoma criminal history record check from the Oklahoma State  
22 Bureau of Investigation as well as a national criminal history  
23 record check, as defined in Section 150.9 of Title 74 of the  
24 Oklahoma Statutes, on file with his or her employing district as

1 required by this section shall have until July 1, 2022, to complete  
2 the criminal history record checks.

3 3. Any teacher eligible to retire from the Teachers' Retirement  
4 System of Oklahoma who does not have an Oklahoma criminal history  
5 record check from the Oklahoma State Bureau of Investigation as well  
6 as a national criminal history record check, as defined in Section  
7 150.9 of Title 74 of the Oklahoma Statutes, on file with his or her  
8 employing district as required by this section shall complete the  
9 criminal history record checks by the earlier of the following  
10 dates:

11 a. July 1, 2022, or

12 b. at the next renewal of his or her Standard Teaching  
13 Certificate as required by Section 6-154.1 of this  
14 title or State Board of Education administrative rules  
15 promulgated thereto.

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

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

22 J. Nothing in this section shall be construed to impose  
23 liability on school districts, except in negligence, for employing  
24 prospective employees within the sixty-day temporary employment

1 window pending the results of the national criminal history record  
2 check.

3 SECTION 2. This act shall become effective November 1, 2022.

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