

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 343

By: Newhouse

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2021,  
8 Section 5-142, which relates to criminal history  
9 record checks for school employment; requiring  
10 certain letter to include certain attestation;  
11 updating statutory references; providing an effective  
12 date; and declaring an emergency.

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

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

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

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

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

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

22 D. For the purpose of this section:

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

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

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

6           4. "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           5. "Prospective employee" means an individual who has received  
10 an offer of temporary employment from a school district pending the  
11 results of the national criminal history record check.

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

1 reimbursement policy shall provide, at a minimum, that employees  
2 shall be promptly reimbursed in full for the fee if employed by the  
3 district at the time the national criminal history record check  
4 request is made unless the person was employed pending receipt of  
5 results as set forth above.

6 F. 1. Any person who has been employed as a full-time teacher  
7 by a school district in this state and applies for employment as a  
8 full-time teacher in another school district in this state may not  
9 be required to have a national criminal history record check if the  
10 teacher produces a copy of a national criminal history record check  
11 completed within the preceding five (5) years and a letter from the  
12 school district in which the teacher was employed stating the  
13 teacher left in good standing. The letter shall attest to whether  
14 there were allegations or pending or ongoing investigations of  
15 inappropriate behavior between the teacher and a student or  
16 students.

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~~ standard teaching certificate as required by Section 6-  
17 154.1 of this title or State Board of Education administrative rules  
18 promulgated thereto.

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

1 Oklahoma Statutes, on file with his or her employing district as  
2 required by this section shall have until July 1, 2022, to complete  
3 the criminal history record checks.

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

12 a. July 1, 2022, or

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

17 H. 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 I. 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 J. 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. This act shall become effective July 1, 2023.

5 SECTION 3. It being immediately necessary for the preservation  
6 of the public peace, health, or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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