An Act

ENROLLED HOUSE
BILL NO. 1418

By: Casey, Key, Denney, Condit, Cockroft, Russ, Walker and Kern of the House

and

Justice and Fields of the Senate

An Act relating to schools; amending 70 O.S. 2001, Section 5-142, as amended by Section 1 of Enrolled Senate Bill No. 252 of the 1st Session of the 53rd Oklahoma Legislature, which relates to criminal history record searches; defining term; providing that school district policy may permit temporary employment of prospective employees for certain maximum period pending national criminal history record check; providing for termination of employment after certain period if record check not received; providing for beginning date of temporary employment period; permitting board of education to choose whether to require record check from certain substitute teacher; providing for certain interpretation; providing an effective date; and declaring an emergency.

SUBJECT: School employee criminal history record checks

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-142, as amended by Section 1 of Enrolled Senate Bill No. 252 of the 1st Session of the 53rd Oklahoma Legislature, 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 that a national criminal history record check be conducted of any employee of the school and shall request such information for any person seeking employment with the school. The Oklahoma State Bureau of Investigation (OSBI) shall obtain fingerprints of the employee or prospective employee and require that the person pay a search fee not to exceed Fifty Dollars ($50.00) or the cost of the search, whichever is the lesser amount. The fees shall be deposited in the OSBI Revolving Fund. School districts may reimburse employees for the cost of the search. The State Board of Education shall contact the Oklahoma State Bureau of Investigation for any national criminal history record of the person within fourteen (14) working days of receiving a written request from the board of education.

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

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

2. "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

3. "Prospective employee" means an individual who has received an offer of temporary employment by 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 ~~not to exceed~~ 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 school district. Prospective employees shall be notified of the requirement, the fee and the reimbursement policy when first interviewed concerning employment. The school district's reimbursement policy shall provide, at the minimum, that employees shall be promptly reimbursed in full for the fee if employed by the district at the time the national criminal history record check request is made unless the person was employed pending receipt of results as set forth above.

F. For any person applying for employment as a substitute teacher, a national criminal history record check shall be required for the school year; provided however, a board of education may choose ~~not~~ whether to require a national criminal history record check ~~if the person was~~ from a prospective substitute teacher who has been employed by the school district ~~during~~ in the ~~previous school~~ last year. Any person applying for employment as a substitute teacher in more than one school district shall only be required to have one national criminal history record check, and, upon the request of the substitute teacher, that record check shall be sent to all other school districts in which the substitute teacher is applying to teach. Any person employed as a full-time teacher by a school district in this state in the five (5) years immediately preceding an application for employment as a substitute teacher may not be required to have a national criminal history record check, if the teacher produces a copy of a national criminal history record check completed within the preceding five (5) years and a letter from the school district in which the teacher was last employed stating the teacher left in good standing.

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

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

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

SECTION 2. This act shall become effective July 1, 2011.

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

Passed the House of Representatives the 18th day of May, 2011.

Presiding Officer of the House of Representatives

Passed the Senate the 19th day of May, 2011.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 20th

day of May, **20** 11,

at 6:33 **o'clock** P.M.

By: Judy Copeland

Approved by the Governor of the State of Oklahoma the 26th **day of** May, **20** 11, **at** 10:01 **o'clock** A.M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 26th **day of** May, **20** 11,

at 6:01 **o'clock** P.M.

By: Michelle R. Day