An Act

ENROLLED SENATE
BILL NO. 252

By: Fields of the Senate

and

Holland, Ritze and Condit
of the House

An Act relating to school employment; amending 70 O.S. 2001, Section 5-142, as last amended by Section 1 of Enrolled Senate Bill No. 12 of the 1st Session of the 53rd Oklahoma Legislature, which relates to national criminal history record checks; clarifying language; establishing national criminal history record check requirement for employment as a substitute teacher; allowing school districts to waive the record check requirement under certain circumstances; requiring school districts to transfer a record check upon request of a substitute; providing an effective date; and declaring an emergency.

SUBJECT: School employment

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-142, as last amended by Section 1 of Enrolled Senate Bill No. 12 of the 1st Session of the 53rd Oklahoma Legislature, is amended to read as follows:

Section 5-142. A. ~~For~~ 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 ~~are hereby authorized to~~ 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.

E. Each public board of education within this state shall promulgate a statement ~~of that school districts' policy~~ regarding the felony record ~~searches~~ search policy for that school district. The policy may permit employment for not to exceed sixty (60) days pending receipt of results of national criminal history record check

requests. 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 to require a record check if the person was employed by the school district during the previous school year. Any person applying for employment as a substitute teacher in more than one school district shall only be required to have one ~~such~~ national criminal history record check ~~for the school year. Upon~~, and, upon the request of the substitute teacher, that record check ~~may~~ shall be sent to ~~any~~ all other school ~~district~~ 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.

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 Senate the 10th day of May, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2011.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 11th
day of May, **20** 11,
at 1:09 **o'clock** PM.

By: Jessica R. Payton

Approved by the Governor of the State of Oklahoma the 17th **day of**
May, **20** 11, **at** 3:05 **o'clock** PM.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
17th **day of** May, **20** 11,
at 4:25 **o'clock** PM.

By: Michelle R Day