An Act

ENROLLED SENATE
BILL NO. 59

By: Justice of the Senate

and

Osborn, Kern, Condit and
Walker of the House

An Act relating to school employment; amending 70 O.S. 2001, Section 5-142, as amended by Section 1, Chapter 406, O.S.L. 2010 (70 O.S. Supp. 2010, Section 5-142), which relates to criminal history record searches for employees and prospective employees of school districts; exempting former full-time teachers from criminal history record search when applying for substitute teaching positions; providing an effective date; and declaring an emergency.

SUBJECT: National criminal history record check for school employees

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, Chapter 406, O.S.L. 2010 (70 O.S. Supp. 2010, Section 5-142), is amended to read as follows:

Section 5-142. A. 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 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 felony record searches. 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. Any person applying for employment as a substitute teacher shall only be required to have one such national criminal history record check for the school year. Upon request of the substitute teacher, that record check may be sent to any other school district 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.

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 21st day of February, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 31st day of March, 2011.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 4th

day of April, 20 11,

at 3:08 o'clock P. M.

By: Jessica R. Boyer

Approved by the Governor of the State of Oklahoma the 7th day of

April, 20 11, at 3:51 o'clock P. M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

7th day of April, 20 11,

at 4:11 o'clock P. M.

By: Michelle R. Day