

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 22

By: Loveless

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 5-142, as last amended by Section 1, Chapter
9 32, O.S.L. 2013 (70 O.S. Supp. 2014, Section 5-142),
10 which relates to criminal history record checks;
11 adding definitions; permitting board of education to
12 request criminal history record check for certain
13 volunteers; permitting higher education institution
14 to request criminal history record check for certain
15 volunteers; providing for compliance with certain
16 act; providing for inapplicability; providing for
17 promulgation of rules; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-142, as
21 last amended by Section 1, Chapter 32, O.S.L. 2013 (70 O.S. Supp.
22 2014, Section 5-142), is amended to read as follows:

23 Section 5-142. A. Except as otherwise provided for in
24 subsection F of this section, for purposes of employment, a board of
25 education may request in writing to the State Board of Education
26 that a national criminal history record check be conducted of any
27 employee of the school and shall request such information for any
28 person seeking employment with the school. The Oklahoma State

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

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

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

23 D. For the purpose of this section:
24

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

3 2. "National criminal history record check" means a national
4 criminal history record check as defined in Section 150.9 of Title
5 74 of the Oklahoma Statutes; ~~and~~

6 3. "Prospective employee" means an individual who has received
7 an offer of temporary employment by a school district pending the
8 results of the national criminal history record check~~;~~;

9 4. "Prospective volunteer" means a parent, guardian or any
10 individual who intends to volunteer in a capacity that gives him or
11 her direct contact with students on a regularly scheduled or
12 continuing basis; and

13 5. "Student volunteer" means a student enrolled in an
14 accredited institution of higher education who, in carrying out his
15 or her coursework, will have or is likely to have direct contact
16 with students in public or private schools.

17 E. Each public board of education within this state shall
18 promulgate a statement regarding the felony record search policy for
19 that school district. The policy may permit temporary employment of
20 prospective employees for a maximum of sixty (60) days pending
21 receipt of results of national criminal history record check
22 requests. The temporary employment of the prospective employee
23 shall terminate after sixty (60) days unless the school district
24 receives the results of the national criminal history record check.

1 The sixty-day temporary employment period shall begin on the first
2 day the prospective employee reports for duty at the employing
3 school district. Prospective employees shall be notified of the
4 requirement, the fee and the reimbursement policy when first
5 interviewed concerning employment. The school district's
6 reimbursement policy shall provide, at the minimum, that employees
7 shall be promptly reimbursed in full for the fee if employed by the
8 district at the time the national criminal history record check
9 request is made unless the person was employed pending receipt of
10 results as set forth above.

11 F. 1. Any person who has been employed as a full-time teacher
12 by a school district in this state and applies for employment as a
13 full-time teacher in another school district in this state may not
14 be required to have a national criminal history record check if the
15 teacher produces a copy of a national criminal history record check
16 completed within the preceding five (5) years and a letter from the
17 school district in which the teacher was employed stating the
18 teacher left in good standing.

19 2. For any person applying for employment as a substitute
20 teacher, a national criminal history record check shall be required
21 for the school year; provided however, a board of education may
22 choose whether to require a national criminal history record check
23 from a prospective substitute teacher who has been employed by the
24 school district in the last year. Any person applying for

1 employment as a substitute teacher in more than one school district
2 shall only be required to have one national criminal history record
3 check, and, upon the request of the substitute teacher, that record
4 check shall be sent to all other school districts in which the
5 substitute teacher is applying to teach.

6 3. Any person employed as a full-time teacher by a school
7 district in this state in the five (5) years immediately preceding
8 an application for employment as a substitute teacher may not be
9 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 last employed stating the
13 teacher left in good standing.

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

23 5. Any person employed as a full-time teacher by a school
24 district in this state for ten (10) or more consecutive years

1 immediately preceding an application for employment as a substitute
2 teacher in the same school district may not be required to have a
3 national criminal history record check for as long as the person
4 remains employed for consecutive years by that school district as a
5 substitute teacher, if the teacher left full-time employment in good
6 standing. If the teacher applies for employment as a substitute
7 teacher in another school district, a national criminal history
8 record check shall be required.

9 G. Except for extenuating circumstances due to time restraints
10 as determined by the local school district superintendent, a board
11 of education may request in writing to the OSBI that a national
12 criminal history record check be conducted of any prospective
13 volunteer who will have or is likely to have unsupervised access to
14 students at a school site or on a school-sponsored trip. The OSBI
15 shall obtain fingerprints of the prospective volunteer and require
16 that the school district pay a search fee not to exceed Fifty
17 Dollars (\$50.00) or the cost of the search, whichever is the lesser
18 amount. The fees shall be deposited in the OSBI Revolving Fund. At
19 the discretion of the school district, the cost of the search fee
20 may be passed on to the prospective volunteer or to another entity.
21 After a prospective volunteer passes a check, such individual shall
22 not be required to submit to additional checks unless required by a
23 policy adopted by the board of education.

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1 H. Except for extenuating circumstances due to time restraints
2 as determined by the local school district superintendent, a board
3 of education may request in writing to the OSBI that an Oklahoma
4 criminal history record check with fingerprint analysis be conducted
5 of any prospective volunteer who will have or is likely to have
6 supervised access to students at a school site or on a school-
7 sponsored trip. The OSBI shall require that the school district pay
8 a search fee of not to exceed Nineteen Dollars (\$19.00) or the cost
9 of the search, whichever is the lesser amount. The fees shall be
10 deposited in the OSBI Revolving Fund. At the discretion of the
11 school district, the cost of the search fee may be passed on to the
12 prospective volunteer or to another entity. After a prospective
13 volunteer passes a check, such individual shall not be required to
14 submit to additional checks unless required by a policy adopted by
15 the board of education.

16 I. An accredited institution of higher education may request in
17 writing to the State Department of Education that a national
18 criminal history record check be conducted for a student volunteer.
19 The OSBI shall obtain fingerprints of the student volunteer and
20 require that the student volunteer pay the cost of the search. The
21 fees shall be deposited in the OSBI Revolving Fund. The State
22 Department of Education shall make the results of the check
23 available upon request to any public school district or private
24 school where the student volunteer will have or is likely to have

1 direct contact with students. Unless otherwise required by a board
2 of education policy, by law, or for employment or professional
3 certification purposes, a student volunteer shall not be required to
4 submit to additional checks under this section as long as the
5 student volunteer remains continuously enrolled in an accredited
6 institution of higher education, or for a period of five (5) years,
7 whichever is shorter. However, the State Board of Education shall
8 be authorized to accept the results of a national criminal history
9 record check performed pursuant to this subsection to meet the
10 requirements of Section 6-190 of this title if the record check was
11 performed within one (1) year of the person seeking certification.

12 J. The provisions of this section shall comply with the Civil
13 Rights Act of 1964.

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

17 L. The provisions of this section shall not apply to
18 prospective volunteers who have or are likely to have unsupervised
19 access to students and who serve as medical professionals, sports
20 referees, school concession stand volunteers or in similar
21 capacities, as determined by a board of education.

22 H. M. 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 N. The State Board of Education and the Oklahoma State Regents
4 for Higher Education shall promulgate rules to implement the
5 provisions of this section.

6 SECTION 2. This act shall become effective November 1, 2015.

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