

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1154

 By: Montgomery

7 AS INTRODUCED

8 An Act relating to schools; 70 O.S. 2011, amending
9 Section 5-142, as last amended by Section 1, Chapter
10 32, O.S.L. 2013 (70 O.S. Supp. 2014, Section 5-142),
11 which relates to a national criminal history record
 check; defining certain terms; providing certain
 exemption for law enforcement officers; and providing
 an effective date.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-142, as
16 last amended by Section 1, Chapter 32, O.S.L. 2013 (70 O.S. Supp.
17 2014, Section 5-142), is amended to read as follows:

18 Section 5-142. A. Except as otherwise provided for in
19 subsection F of this section, for purposes of employment, a board of
20 education may request in writing to the State Board of Education
21 that a national criminal history record check be conducted of any
22 employee of the school and shall request such information for any
23 person seeking employment with the school. The Oklahoma State
24 Bureau of Investigation (OSBI) shall obtain fingerprints of the

1 employee or prospective employee and require that the person pay a
2 search fee not to exceed Fifty Dollars (\$50.00) or the cost of the
3 search, whichever is the lesser amount. The fees shall be deposited
4 in the OSBI Revolving Fund. School districts may reimburse
5 employees for the cost of the search. The State Board of Education
6 shall contact the Oklahoma State Bureau of Investigation for any
7 national criminal history record of the person within fourteen (14)
8 working days of receiving a written request from the board of
9 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 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 ~~3.~~ 5. "Prospective employee" means an individual who has
10 received an offer of temporary employment by a school district
11 pending the 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 the 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.

14 2. For any person applying for employment as a substitute
15 teacher, a national criminal history record check shall be required
16 for the school year; provided however, a board of education may
17 choose whether to require a national criminal history record check
18 from a prospective substitute teacher who has been employed by the
19 school district in the last year. Any person applying for
20 employment as a substitute teacher in more than one school district
21 shall only be required to have one national criminal history record
22 check, and, upon the request of the substitute teacher, that record
23 check shall be sent to all other school districts in which the
24 substitute teacher is applying to teach.

1 3. Any person employed as a full-time teacher by a school
2 district in this state in the five (5) years immediately preceding
3 an application for employment as a substitute teacher may not be
4 required to have a national criminal history record check, if the
5 teacher produces a copy of a national criminal history record check
6 completed within the preceding five (5) years and a letter from the
7 school district in which the teacher was last employed stating the
8 teacher left in good standing.

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

18 5. Any person employed as a full-time teacher by a school
19 district in this state for ten (10) or more consecutive years
20 immediately preceding an application for employment as a substitute
21 teacher in the same school district may not be required to have a
22 national criminal history record check for as long as the person
23 remains employed for consecutive years by that school district as a
24 substitute teacher, if the teacher left full-time employment in good

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 standing. If the teacher applies for employment as a substitute
2 teacher in another school district, a national criminal history
3 record check shall be required.

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

7 H. The provisions of this section shall not apply to law
8 enforcement officers who are employed by an employing agency at the
9 time of application for employment at a public school district.

10 I. Nothing in this section shall be construed to impose
11 liability on school districts, except in negligence, for employing
12 prospective employees within the sixty-day temporary employment
13 window pending the results of the national criminal history record
14 check.

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

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17 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/10/2015
18 - DO PASS.

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