

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 346

By: Bergstrom

AS INTRODUCED

An Act relating to school personnel; amending 70 O.S. 2021, Section 5-142, which relates to criminal history record checks for school employees; requiring certain letter to include certain attestation; updating statutory language; updating statutory references; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 5-142, 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; provided, that a board of education shall not be required to obtain a new criminal history record check for an individual who has obtained certification from the State Department of Education within the previous twelve (12)

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

3 2. "Employing agency" means a political subdivision or law
4 enforcement agency in this state;

5 3. "Law enforcement officer" means a peace or police officer
6 who is certified by the Council on Law Enforcement Education and
7 Training;

8 4. "National criminal history record check" means a national
9 criminal history record check as defined in Section 150.9 of Title
10 74 of the Oklahoma Statutes; and

11 5. "Prospective employee" means an individual who has received
12 an offer of temporary employment from a school district pending the
13 results of the national criminal history record check.

14 E. Each public board of education within this state shall
15 promulgate a statement regarding the felony record search policy for
16 that school district. The policy may permit temporary employment of
17 prospective employees for a maximum of sixty (60) days pending
18 receipt of results of national criminal history record check
19 requests. The temporary employment of the prospective employee
20 shall terminate after sixty (60) days unless the school district
21 receives the results of the national criminal history record check.
22 The sixty-day temporary employment period shall begin on the first
23 day the prospective employee reports for duty at the employing
24 school district. Prospective employees shall be notified of the

1 requirement, the fee, and the reimbursement policy when first
2 interviewed concerning employment. The school district's
3 reimbursement policy shall provide, at a minimum, that employees
4 shall be promptly reimbursed in full for the fee if employed by the
5 district at the time the national criminal history record check
6 request is made unless the person was employed pending receipt of
7 results as set forth above.

8 F. 1. Any person who has been employed as a full-time teacher
9 by a school district in this state and applies for employment as a
10 full-time teacher in another school district in this state may not
11 be required to have a national criminal history record check if the
12 teacher produces a copy of a national criminal history record check
13 completed within the preceding five (5) years and a letter from the
14 school district in which the teacher was employed stating the
15 teacher left in good standing. The letter shall attest to whether
16 allegations of inappropriate behavior between the teacher and a
17 student or students were raised and whether there was a pending or
18 ongoing investigation of inappropriate behavior between the teacher
19 and a student or students.

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

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

7 3. Any person employed as a full-time teacher by a school
8 district in this state in the five (5) years immediately preceding
9 an application for employment as a substitute teacher may not be
10 required to have a national criminal history record check, if the
11 teacher produces a copy of a national criminal history record check
12 completed within the preceding five (5) years and a letter from the
13 school district in which the teacher was last employed stating the
14 teacher left in good standing. The letter shall attest to whether
15 allegations of inappropriate behavior between the teacher and a
16 student or students were raised and whether there was a pending or
17 ongoing investigation of inappropriate behavior between the teacher
18 and a student or students.

19 4. Any person employed as a substitute teacher by a school
20 district in this state for a minimum of five (5) years immediately
21 preceding an application for employment as a full-time teacher in a
22 school district in this state may not be required to have a national
23 criminal history record check if the teacher produces a copy of a
24 national criminal history record check completed within the

1 preceding five (5) years and a letter from the school district in
2 which the teacher was employed as a substitute teacher stating the
3 teacher left in good standing.

4 5. Any person employed as a full-time teacher by a school
5 district in this state for ten (10) or more consecutive years
6 immediately preceding an application for employment as a substitute
7 teacher in the same school district may not be required to have a
8 national criminal history record check for as long as the person
9 remains employed for consecutive years by that school district as a
10 substitute teacher, if the teacher left full-time employment in good
11 standing. If the teacher applies for employment as a substitute
12 teacher in another school district, a national criminal history
13 record check shall be required.

14 G. 1. Except as otherwise provided by this subsection, any
15 teacher employed by an Oklahoma school district prior to ~~the~~
16 ~~effective date of this act~~ May 19, 2020, who does not have an
17 Oklahoma criminal history record check from the Oklahoma State
18 Bureau of Investigation as well as a national criminal history
19 record check, as defined in Section 150.9 of Title 74 of the
20 Oklahoma Statutes, on file with his or her employing district as
21 required by this section shall complete the criminal history record
22 checks upon the next renewal of his or her ~~Standard Teaching~~
23 ~~Certificate~~ standard teaching certificate as required by Section 6-

1 154.1 of this title or State Board of Education administrative rules
2 promulgated thereto.

3 2. Except as otherwise provided by this subsection, any other
4 person employed by an Oklahoma school district prior to ~~the~~
5 ~~effective date of this act~~ May 19, 2020, who does not have an
6 Oklahoma criminal history record check from the Oklahoma State
7 Bureau of Investigation as well as a national criminal history
8 record check, as defined in Section 150.9 of Title 74 of the
9 Oklahoma Statutes, on file with his or her employing district as
10 required by this section shall have until July 1, 2022, to complete
11 the criminal history record checks.

12 3. Any teacher eligible to retire from the Teachers' Retirement
13 System of Oklahoma who does not have an Oklahoma criminal history
14 record check from the Oklahoma State Bureau of Investigation as well
15 as a national criminal history record check, as defined in Section
16 150.9 of Title 74 of the Oklahoma Statutes, on file with his or her
17 employing district as required by this section shall complete the
18 criminal history record checks by the earlier of the following
19 dates:

- 20 a. July 1, 2022, or
- 21 b. at the next renewal of his or her ~~Standard Teaching~~
22 ~~Certificate~~ standard teaching certificate as required
23 by Section 6-154.1 of this title or State Board of
24 Education administrative rules promulgated thereto.

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

4 I. The provisions of this section shall not apply to law
5 enforcement officers who are employed by an employing agency at the
6 time of application for employment at a public school district.

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

12 SECTION 2. This act shall become effective July 1, 2025.

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

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