

## **CRIMINAL RECORDS SEARCHES**

It shall be the policy of the district that it will obtain the results of a national criminal history record check, as defined by OKLA. STAT. tit. 74, § 150.9, of every prospective school district employee and conduct an annual search of the Oklahoma Sex Offender and Mary Rippy Violent Crime Offender Registries with respect to all employees who offer or provide services to children, including but not limited to secondary students. The district shall also obtain an Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation for all prospective teachers.

The provisions of this policy shall not apply to school district employees hired on a part-time or temporary basis for the instruction of adult students only.

### National Felony Record Search of Prospective Employees

During the first interview with each employment applicant, school district will advise the applicant that:

1. The district requires a national criminal history record check of every prospective employee as a condition of employment. The district also requires a Oklahoma criminal history record check for every prospective teacher;
2. To enable the district to request the search and obtain the results, the applicant must complete and sign authorization and release form(s) provided by the district;
3. The district will only request a felony record search if the superintendent recommends employment of the applicant;
4. If the superintendent recommends employment of the applicant, the applicant must pay the search fee(s);
5. The district will reimburse the applicant for the search fee unless the search discloses a prior felony offense conviction;
6. If the superintendent recommends employment of the applicant, the applicant must permit himself/herself to be fingerprinted, if applicable, provide a social security number and provide any other information necessary to facilitate the

national criminal history record check and/or the Oklahoma criminal history record check search; and

7. The Board of Education shall not have the authority to enter into any written contract with a prospective teacher who does not have an Oklahoma criminal history record check on file with the district. No prospective teacher shall be permitted to perform work or render services to the district without such record check on file. A prospective teacher who has an Oklahoma criminal history record check on file with the district, but is awaiting the results of the national criminal history record check, may perform services for the district subject to the provisions of paragraph 8 below.
8. The applicant, if placed on duty prior to receipt of the national criminal history record check results, will be classified as a temporary employee until the district is notified that the search is clear of any felony conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant. All criminal history record searches will be made in compliance with the Federal Fair Credit Reporting Act.

If the results of the national criminal history record check are not received by the school district within sixty (60) days, if the record check reveals a prior felony offense conviction(s) within the past ten (10) years, or at any time if the conviction shows a tendency to be a danger to the health/safety of students or if the conviction indicates a potential conflict with the duties to be performed by the applicant, or if the record check reveals a false response to one or more of the questions on the authorization and release, the applicant shall be deemed to have resigned his or her employment. The administration will review the facts and circumstances of each situation and decide whether to recommend the resignation be accepted. Such resignation may be accepted by the board of education at any time. Under these circumstances, the applicant waives any due process procedures which might be available under federal and state law and school district policies and procedures. The sixty (60) day temporary employment period shall begin on the first day the prospective employee reports for duty at the school district.

The district may waive the requirement to obtain an initial national criminal record check for any prospective employee who has obtained certification from the Oklahoma State Department of Education within the past twelve (12) months.

The district may waive the requirement to obtain a new record search if the applicant for a full-time teaching position has been employed as a full-time or substitute teacher in another Oklahoma school district, produces a copy of an existing national criminal history record check from within the past five (5) years, and produces an original letter from the former district stating that the employee left in good standing.

## Felony Record Searches of Current Employees

The following rules apply to requests for record checks regarding current employees of the district:

### A. General Rules

When the district seeks to obtain a record check regarding a current district employee pursuant to the terms of this policy, the employee who is the subject of that record check must complete and sign an authorization and release form provided by the district. The employee shall permit himself/herself to be fingerprinted, if applicable, provide a social security number and provide any other information necessary to facilitate the record check. The district shall be responsible for the payment of fees associated with record checks regarding current district employees.

### B. Current Teachers Not Eligible for Retirement

The district will review the personnel records of all certified teachers currently employed by the district who (1) were employed by the district as of May 19, 2020, and (2) **are not** eligible for retirement through the Oklahoma Teachers' Retirement System, in order to determine whether the district has both an Oklahoma criminal history record check from the Oklahoma State Bureau of Investigation (the "OSBI") and a national criminal history record check on file for each teacher. In the event that the district does not have both of the above-referenced record checks on file regarding a teacher, the district will obtain the record check(s) it did not previously have on file for that teacher prior to the deadline for that teacher to renew his or her teaching certificate.

### C. Current Teachers Eligible for Retirement

The district will review the personnel records of all certified teachers currently employed by the district who (1) were employed by the district as of May 19, 2020, and (2) **are** eligible for retirement through the Oklahoma Teachers' Retirement System, in order to determine whether the district has both an Oklahoma criminal history record check from the OSBI and a national criminal history record check on file for each teacher. In the event that the district does not have both of the above-referenced record checks on file regarding a teacher, the district will obtain the record check(s) it did not previously have on file for that teacher no later than the earlier of (1) July 1, 2022, or (2) the deadline for the renewal of the teacher's teaching certificate.

### D. Other Employees

The district will review the personnel records of all other current employees of the district who were employed by the district as of May 19, 2020, in order to determine whether the district has both an Oklahoma criminal history record check from the OSBI and a national criminal history record check on file for each employee. In the event that

the district does not have both of the above-referenced record checks on file regarding an employee, the district will obtain the record check(s) it did not previously have on file for that employee no later than July 1, 2022.

E. Record Checks Upon Request of the Board or Superintendent.

The district will request an Oklahoma criminal history record check and/or national criminal history record check regarding any current school district employee if the board of education or superintendent requests a search of that employee's felony record.

Felony Record Searches of Substitutes

The district may, in its discretion, require a national criminal history record search for substitutes of the same type and using the same standards applicable to prospective employees, or it may obtain a current records search, if available, from a school district that employed the substitute in the year preceding prospective employment by school district. Likewise, any person seeking employment as a substitute who has been employed as a full-time teacher by a school district in the State of Oklahoma in the five (5) years immediately preceding application for employment as a substitute, is not required to obtain 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. Similarly, any person seeking employment as a substitute who has been employed as a full-time teacher by school district for ten (10) or more consecutive years immediately preceding application for employment as a substitute and who left full-time employment with school district in good standing is not be required to have a national criminal history record check for as long as the person remains employed as a substitute for consecutive years by school district.

Felony Record Searches of Volunteers

The district may, in its discretion, require a national criminal history record search for any volunteer who has substantive contact with minor students, of the same type and using the same standards applicable to prospective employees or some other national criminal history record search that uses social security numbers instead of fingerprints. All felony record searches will be made in compliance with the Federal Fair Credit Reporting Act.

Annual Search of Sex Offender and Violent Crime Offender Registries

Pursuant to OKLA. STAT. tit. 57, § 589, the district shall conduct an annual name search against the Oklahoma Sex Offenders Registry and the Mary Rippy Violent Crime

Offenders Registry of all district employees who provide or offer services to secondary students and children.

Reference: OKLA. STAT. tit. 70, § 5-142; OKLA. STAT. tit. 74, § 150.9; OKLA. STAT. tit. 57, § 589.