

2021 Regular Session

HOUSE BILL NO. 312

BY REPRESENTATIVE FREIBERG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TEACHERS/CERTIFICATION: Provides relative to criminal history review with respect to teacher certification

1 AN ACT

2 To amend and reenact R.S. 17:15(C), relative to teacher certification; to require criminal
3 background checks for those applying for an initial certification or teaching
4 authorization; to require criminal background checks upon the renewal,
5 advancement, or other modification of an existing certification or teaching
6 authorization; to authorize the state Department of Education to charge a fee for such
7 purposes; to provide for effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:15(C) is hereby amended and reenacted to read as follows:

10 §15. Criminal history review

11 * * *

12 C.(1) Any applicant for a certification or teaching authorization shall
13 undergo a criminal history record check through the Louisiana Bureau of Criminal
14 Identification and Information.

15 (2) The State Board of Elementary and Secondary Education by rule adopted
16 in accordance with the Administrative Procedure Act shall establish requirements
17 and procedures consistent with the provisions of R.S. 15:587.1 ~~for~~ under which the
18 state Department of Education ~~to determine whether an~~ shall, for any applicant for
19 or ~~the~~ recipient of ~~any certificate, license, or other~~ a certificate or teaching
20 authorization issued in accordance with state law or board policy, do the following:

1 by the department or the board and who might reasonably be expected to be placed
2 in a position of supervisory or disciplinary authority over school children has been
3 convicted of or pled nolo contendere to any criminal offense. Included in this rule
4 shall be the requirement and

5 (a) Request information from the Louisiana Bureau of Criminal
6 Identification and Information concerning whether the person has been arrested for
7 or pled nolo contendere to any criminal offense.

8 (b) Require and provide the procedure for the submission of a person's
9 fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification
10 and Information.

11 (3) The state Department of Education may charge a criminal history record
12 check processing fee not to exceed twenty-five dollars and may collect the
13 processing fees charged by the Louisiana Bureau of Criminal Identification and
14 Information for a state criminal history record check and the Federal Bureau of
15 Investigation for a federal criminal history record check.

16 (4) Except as provided in R.S. 17:7(6)(h), the State Board of Elementary and
17 Secondary Education shall not issue a certification or a teaching authorization to a
18 person who has been convicted of or has pled nolo contendere to a crime listed in
19 R.S. 15:587.1(C).

20 * * *

21 Section 2. This Act shall become effective on August 1, 2021; however, the
22 provisions of R.S. 17:15(C)(1) requiring a criminal history record check for applicants for
23 an initial certification or teaching authorization shall not be implemented until June 1, 2022.

24 Section 3. Any person with a certification or teaching authorization issued prior to
25 June 1, 2022, shall obtain a criminal history check through the Louisiana Bureau of Criminal
26 Identification and Information when seeking to have such certification or teaching
27 authorization renewed, advanced, or otherwise modified or by June 1, 2027, whichever
28 occurs sooner.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 312 Original

2021 Regular Session

Freiberg

Abstract: Requires criminal history record checks for purposes of teacher certification and authorizes the state Dept. of Education to charge a processing fee for such purposes.

Present law provides relative to the criminal history review of teachers and to their hiring, dismissal, and certification with respect thereto. Proposed law requires criminal background checks at the state level for certification purposes, including the following:

- (1) A requirement that all applicants for certification undergo a criminal background check.
- (2) The authority of the state Dept. of Education (DOE) to charge a processing fee of up to \$25 and to collect the fees associated with state and federal record checks.

Proposed law requires anyone granted certification prior to June 1, 2022, to obtain a criminal history record check when seeking its renewal, advancement, or any other modification or by June 1, 2027, whichever occurs sooner.

Present law prohibits BESE from granting certification to anyone who has been convicted of or has pled nolo contendere to any offense listed in present law (R.S. 15:587.1(C)); present law (R.S. 17:7(6)(h)) allows exceptions under certain circumstances, including specified drug offenses. Proposed law retains present law.

Effective August 1, 2021; however, proposed law requiring an applicant for certification to undergo a criminal history record check shall not be implemented until June 1, 2022.

(Amends R.S. 17:15(C))