

2023 Regular Session

SENATE BILL NO. 197

BY SENATOR PEACOCK

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

TEACHERS. Provides relative to teacher certification. (gov sig)

AN ACT

To amend and reenact R.S. 15:587.1(A), (B)(1)(a), (C)(introductory paragraph), (D)(2), and (E) and R.S. 17:7(6), 7.1, and 15(B), (C), and (E)(1), to enact R.S. 17:8.1 through 8.9, and to repeal R.S. 17:7(6)(e) and (10), relative to the certification of educators and school personnel; to provide for conditional admission into an approved teacher education program; to provide for alternative certification for certain persons; to provide relative to teachers certified in other states; to remove requirements for certain teaching authorizations and certifications; to provide relative to the qualifications and certifications of principals, superintendents, and school psychologists; to provide relative to criminal background checks for certification and authorization to teach; to provide consistency in terminology; to recodify and redesignate certain current provisions of Title 17 of the Louisiana Revised Statutes of 1950 into a new format and number scheme, to be comprised of R.S. 17:8.1 through 8.9 without changing the text of the provisions except as provided in this instrument; to make technical and conforming changes to reflect the format and number scheme provided in this instrument; to direct the Louisiana State Law Institute to change references to segments of law in existing statutes and codes as

1 necessary to reflect the redesignation of those segments as provided in this
 2 instrument; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 17:7(6), 7.1, and 15(B), (C), and (E)(1) are hereby amended and
 5 reenacted, and R.S. 17:8.1 through 8.9 are enacted to read as follows:

6 §7. Duties, functions, and responsibilities of board

7 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and
 8 responsibilities vested by any other applicable laws, the board shall:

9 * * *

10 (6)~~(a)~~(i) Prescribe the qualifications and provide for the certification of
 11 teachers in accordance with applicable law, which qualifications and requirements
 12 shall ensure that certification shall be a reliable indicator of the minimum current
 13 ability and proficiency of the teacher to educate at the grade level and in the subjects
 14 to which the teacher is assigned.

15 (ii) [Redesignated as R.S. 17:8.1(C)]

16 (b) [Redesignated as R.S. 17:8.2(A) and (B)(introductory paragraph) and (1)]

17 (i) [Redesignated as R.S. 17:8.2(B)(2)]

18 (ii) [Redesignated as R.S. 17:8.2(C)]

19 (iii) [Redesignated as R.S. 17:8.2(D)]

20 (iv) [Redesignated as R.S. 17:8.2(E)]

21 (v) [Redesignated as R.S. 17:8.2(F)]

22 (vi) [Redesignated as R.S. 17:8.2(G)]

23 (c) [Redesignated as R.S. 17:8.3]

24 (d) [Redesignated as R.S. 17:8.2(H)]

25 (e) [Repealed]

26 (f) [Redesignated as R.S. 17:8.8]

27 (g) [Redesignated as R.S. 17:8.5]

28 (h) [Redesignated as R.S. 17:8.7(B)]

29 (i) [Redesignated as R.S. 17:8.7(C)]

1 * * *

2 ~~§7.1.~~§8.1. Certification of teachers; ~~certification of principals and superintendents;~~
3 certification of school psychologists

4 A. In carrying out its responsibility to prescribe the qualifications and provide
5 for the certification of teachers under authority of R.S. 17:7(6), the qualifications and
6 requirements established by the State Board of Elementary and Secondary Education
7 for certification of any applicant ~~for certification~~ who completes an approved teacher
8 education program in Louisiana shall include but not be limited to the following:

9 (1) Beginning with the 2024-2025 academic year, that each approved teacher
10 education program shall not require more than one hundred twenty semester hours
11 of college credit for degree completion, inclusive of any classroom observation time
12 or mentorship requirements. Programs designated by the Board of Regents as dual
13 degrees or dual certifications shall be permitted to exceed the one-hundred-
14 twenty-semester-hour credit limit.

15 (2) That the applicant shall have attained a 2.20 average on a 4.00 scale as a
16 condition for entrance into a teacher education program. **However, an applicant**
17 **who has not attained a 2.20 average may be granted conditional acceptance into**
18 **a teacher education program. In order for a student granted conditional**
19 **acceptance to continue in a teacher education program that awards credit**
20 **hours, the student shall achieve a 3.00 average by the end of the first twelve**
21 **credit hours. In order for a student granted conditional acceptance to continue**
22 **in a teacher education program that does not award credit hours, the student**
23 **shall demonstrate mastery of competencies as required by the program and by**
24 **the school system in which the applicant completes required clinical practice.**

25 (3)(a) That the applicant shall have achieved a 2.50 average on a 4.00 scale
26 at graduation from an approved program.

27 (b) An applicant who has passed all requisite examinations covering
28 pre-professional skills and content knowledge but who does not meet the
29 requirement of Subparagraph (a) of this Paragraph may be certified ~~if he completes~~

1 upon completion of a post-baccalaureate program, or ~~he may be employed as a~~
2 ~~teacher for a period not to exceed five years in the following manner:~~

3 (i) ~~The state superintendent of education, upon receipt of a signed affidavit~~
4 ~~by the president and superintendent of the school board to which such person has~~
5 ~~applied for employment that there is no other applicant available for employment for~~
6 ~~a specific teaching position who has met the requirements of this Section, may issue~~
7 ~~an emergency teaching permit to such person. Such permit shall be in effect for not~~
8 ~~more than five years.~~

9 (ii) ~~After five years of effective teaching evaluations pursuant to R.S.~~
10 ~~17:3902 and upon a signed affidavit of a superintendent of a school system~~
11 ~~recommending to employ the person for the following school year subject to the~~
12 ~~receipt of a valid Louisiana teaching certificate, the person shall be granted a valid~~
13 ~~standard professional level teaching certificate by the state superintendent of~~
14 ~~education, subject only to passing all provisions of law relative to background checks~~
15 ~~and criminal history review~~ **granted a provisional teaching permit pursuant to**
16 **R.S. 17:8.3.**

17 (4)(a) ~~For applicants who have participated in any undergraduate teacher~~
18 ~~education program, that the~~ **The** applicant shall **meet at least one of the following**
19 **requirements:**

20 (a) ~~complete~~ **Complete** the prescribed number of semester hours in the
21 teaching of reading as established in policy by the State Board of Elementary and
22 Secondary Education in accordance with the level of certification to be awarded;
23 ~~such.~~ **The** requirement to **shall** be in addition to requirements for English courses;
24 ~~and such.~~ **The** courses in the teaching of reading shall emphasize techniques of
25 teaching reading and the recognition and correction of reading problems of the
26 student **that are based on the science of reading and designed for educators and**
27 **that include information on instructing students regarding phonemic awareness,**
28 **phonics, fluency, vocabulary, and comprehension.** For certification at the
29 secondary level, not more than three semester hours in the teaching of reading shall

1 be considered for purposes of meeting certification requirements.

2 (b) For applicants who have participated in any alternate teacher education
 3 program as provided pursuant to rules and regulations adopted by the State Board of
 4 Elementary and Secondary Education, that the applicant shall be given the option of
 5 either completing the same amount of semester hours as required for the teaching of
 6 reading for undergraduate program applicants pursuant to this Paragraph or, in lieu
 7 of such semester hour requirements, shall possess **Possess** the reading and literacy
 8 competencies identified in scientifically based reading research at the national level
 9 and approved by the State Board of Elementary and Secondary Education for the
 10 teaching of reading.

11 (5) That the applicant shall have spent a minimum of 270 **two hundred**
 12 **seventy** clock hours in student teaching with at least 180 of such **one hundred**
 13 **eighty** hours spent in actual teaching.

14 (6) That the applicant shall have completed a substantial portion of his 180
 15 **the one hundred eighty** hours of actual student teaching on an all-day basis.

16 *[Effective Date: Text of Paragraph ~~(A)(8)~~ **(A)(7)** effective on January 1, 2024.]*

17 *~~(7)(8)~~ That an applicant who is applying for initial certification to teach*
 18 *kindergarten through third grade shall, as part of the examination required pursuant*
 19 *to R.S. ~~17:7(6)(b)~~ **R.S. 17:8.2**, pass a rigorous test of scientifically researched,*
 20 *evidence-based reading instruction and intervention, including data-based*
 21 *decisionmaking principles related to reading instruction and intervention, as*
 22 *approved by the Department of Education.*

23 [§7.1(B) redesignated as §17:8.4]

24 ~~§7.1(C)~~**B.** The State Board of Elementary and Secondary Education may
 25 adopt such **any** rules as are necessary for the orderly implementation of this Section
 26 and may make further provisions with regard to qualifications and requirements not
 27 inconsistent with this Section.

28 ~~§7(6)(a)(ii)~~**C.** Additionally, whenever there is a qualification or condition
 29 established by law or board policy, or both, that a teacher holding a regular **standard**

1 **professional level** teacher certificate ~~which is valid for three years~~ shall comply
 2 with, in order for the teacher to be issued a ~~permanent regular~~ **standard professional**
 3 **level** teacher certificate, and it is not possible for a teacher at a nonpublic school to
 4 comply with ~~such~~ **the** qualification or condition due to the teacher being employed
 5 at a nonpublic school, the board shall establish an alternative method or process by
 6 which the nonpublic school teacher may meet ~~such~~ **the** qualification or condition. A
 7 teacher employed in a nonpublic school who meets the qualifications or conditions
 8 pursuant to the alternative method or process established pursuant to this ~~Item~~
 9 **Subsection** shall be issued a ~~permanent regular~~ **standard professional level** teacher
 10 certificate which shall be valid for all purposes in this state and under all the same
 11 conditions as if it had been issued to a teacher who complied with the qualifications
 12 or conditions as otherwise established by law or board policy. Prior to establishing
 13 an alternative method or process, the board shall direct the nonpublic school
 14 commission to formulate, develop, and recommend to the board the alternative
 15 method or process by which the nonpublic school teacher may meet the qualification;
 16 or condition and the method or process established by the board shall be consistent
 17 with the recommendations of the nonpublic school commission.

18 §7.1(D) [Redesignated as R.S. 17:8.6(A)]

19 §7.1(E) [Redesignated as R.S. 17:8.6(B)]

20 §7.1(F) **D.** In carrying out its responsibility to prescribe the qualifications and
 21 provide for the certification of teachers under authority of R.S. 17:7(6), if the State
 22 Board of Elementary and Secondary Education enters into any agreement for the
 23 certification to teach in Louisiana of teachers certified to teach in another state, ~~such~~
 24 **the** agreement shall:

25 (1) Be reciprocal, making applicable to any other state which is a party to
 26 ~~such~~ **the** agreement and teachers certified to teach in ~~such~~ **the** other state who seek
 27 certification in Louisiana equivalent to requirements as determined by the Louisiana
 28 state Department of Education to those the agreement places on Louisiana and
 29 teachers certified to teach in Louisiana who apply for certification in ~~another~~ **the**

1 other state.

2 (2) Provide for the certification in Louisiana of a teacher certified to teach in
3 another state only if ~~such~~ the teacher has been employed in a professional
4 educational capacity requiring certification as a teacher for ~~the~~ three years
5 ~~immediately~~ preceding application for Louisiana teacher certification unless the
6 teacher completes ~~such~~ the additional educational requirements as shall be approved
7 by the State Board of Elementary and Secondary Education. The provisions of this
8 Paragraph shall not apply to a teacher who has been certified to teach in another state
9 for less than three years and has been employed in a professional educational
10 capacity requiring certification as a teacher for the entire period of certification.

11 **§8.2. Teacher certification examinations**

12 §7(6)(b) A. A person applying for initial certification as a teacher in a public
13 school shall have passed satisfactorily an examination, which shall include
14 pedagogical knowledge, and knowledge in ~~his~~ the applicant's area of specialization,
15 as a prerequisite to the granting of ~~such~~ the certificate by the State Board of
16 Elementary and Secondary Education.

17 B. However, ~~a person~~ the following persons may be issued a provisional
18 teaching permit or an authorization to teach without meeting the requirement
19 of Subsection A of this Section:

20 (1) Any person who is employed as a foreign language teacher in a Certified
21 Foreign Language Immersion Program pursuant to R.S. 17:273.2, ~~and~~ who is not
22 otherwise eligible to receive state authorization to teach through participation in the
23 Foreign Associate Teacher Program, ~~shall not be required to pass the examination~~
24 ~~required by this Subparagraph, but shall~~ who has at least ~~have~~ a baccalaureate
25 degree, and ~~shall be subject to~~ has satisfied all provisions of state law relative to
26 background checks and criminal history review applicable to the employment of
27 public school personnel.

28 ~~(i) Any person certified to teach in another state who applies for certification~~
29 ~~to teach in the public schools of Louisiana shall be required to pass satisfactorily the~~

1 ~~examination which is administered in accordance with the provisions of this~~
2 ~~Paragraph as a prerequisite to the granting of such certification. However, a~~

3 **(2) Any** teacher certified in another state who meets all other requirements
4 for a Louisiana **standard professional level teacher** certificate granted to out-
5 of-state graduates except for the satisfactory passage of the examination ~~shall be~~
6 ~~granted a three-year provisional certificate~~ **and who does not meet the**
7 **requirements of Subsection C of this Section.**

8 **(3) Any person who meets all other certification requirements except**
9 **failure to successfully pass the original examination but who scored within ten**
10 **percent of the score required for passage.**

11 ~~(ii) Any~~ **C. In addition, any** teacher who holds a valid out-of-state teaching
12 certificate and has at least three years of successful teaching experience in another
13 state as determined by the board shall not be required to take the examination or to
14 submit any examination scores from any examination previously taken in another
15 state as a prerequisite to the granting of certification in Louisiana. Upon application
16 and verification of successful teaching experience in another state by the board, the
17 teacher shall be granted a valid standard Louisiana **professional level** teaching
18 certificate provided the teacher meets all other requirements for background checks
19 and criminal history reviews as may be required by law and board policy.

20 ~~(iii) D.~~ The examination shall be administered to each student in a teacher
21 education program at a public college or university in Louisiana prior to graduation
22 and shall be administered to other applicants at any time ~~such~~ **the** examination is
23 offered. The board shall prescribe other qualifications and requirements and shall
24 consider other factors.

25 ~~(iv) E.~~ The state superintendent of education shall administer the
26 ~~forementioned~~ policy of the board **regarding examinations**. In administering the
27 policy, the superintendent shall choose the appropriate testing instrument, shall
28 conduct all necessary research to validate the applicability of the instrument to
29 teacher education programs within the state of Louisiana, and shall conduct all

1 necessary research to determine the level at which the examination is satisfactorily
 2 completed. During the conduct of the research and in the preparation of the testing
 3 instrument, the superintendent shall meet with and consider the suggestions of
 4 individual classroom teachers, representatives of teacher organizations, deans of
 5 education of the public colleges and universities of the state, and representatives of
 6 each of the governing boards for higher education.

7 ~~(v)~~**F.** Any applicant seeking certification may apply for and take any required
 8 test or tests without limitation as to the frequency of applications or testing.

9 ~~(vi)~~**G.** The state superintendent of education shall annually submit a report
 10 to the ~~House Committee on Education and the Senate Committee on Education~~ **state**
 11 **board and publish the report on its website** relative to the examination
 12 administered pursuant to this ~~Paragraph~~ **Section**. ~~Such~~ **The** report shall include but
 13 not be limited to the following: the number of persons to whom the examination was
 14 administered, the educational background and teaching experience of ~~such~~ **the**
 15 persons, the number of persons successfully completing the examination, the
 16 effectiveness of the examination, and any suggestions for improving the
 17 examination.

18 ~~§7(6)(d)~~**H.** Any examination selected by the state superintendent of education
 19 ~~which would supercede the examination~~ **to be** used pursuant to ~~Subparagraph (b) of~~
 20 ~~this Paragraph~~ **this Section** and any criteria established to determine the level at
 21 which either the examination used or any examination selected to supercede it is
 22 satisfactorily completed shall be approved by the State Board of Elementary and
 23 Secondary Education.

24 **§8.3. Provisional Teaching Permit**

25 **A. The State Board of Elementary and Secondary Education may issue**
 26 **a provisional teaching permit to:**

27 **(1) Any person who has not passed the examinations required pursuant**
 28 **to R.S. 17:8.2 and who satisfies one of the following:**

29 ~~§7(6)(c)~~ Any person who holds **(a) Holds** at least a master's degree in the

1 subject area in which ~~he~~ the person is seeking employment;

2 (b) Holds a bachelor's degree in the subject area in which the person is
 3 seeking employment, provided that the employment will be in a secondary
 4 school.

5 ~~(c) or any person who meets~~ Meets all other certification requirements except
 6 ~~he failed~~ the requirement to successfully pass the original examination but who
 7 scored within ten percent of the score required for passage;

8 (2) Any person who has graduated from an approved teacher education
 9 program with less than a 2.50 average on a 4.00 scale, but who meets all other
 10 certification requirements for a standard professional level teacher certificate.

11 B. Any person holding a provisional teaching permit may be employed as
 12 a teacher for a period not to exceed five years ~~in~~ if both of the following ~~manner~~ are
 13 satisfied:

14 ~~(i)(1)~~ (1) The state superintendent of education, ~~upon receipt of~~ receives a signed
 15 affidavit by the president and superintendent of the school board to which ~~such~~ the
 16 person has applied for employment that there is no other applicant available for
 17 employment for a specific teaching position who has ~~met the requirements of this~~
 18 Section a valid standard professional level teacher certificate and who stating
 19 that the person has agreed to participate in a mentorship program offered by the
 20 school board, ~~may issue an emergency teaching permit to such person. Such permit~~
 21 ~~shall be in effect for not more than five years.~~

22 (2) Each academic year, the person receives a successful teaching
 23 evaluation pursuant to R.S. 17:3902.

24 C. Each teacher Any person issued an ~~emergency~~ a provisional teaching
 25 permit who has not completed an approved teacher education program shall be
 26 required to complete a preservice training session offered by the school board prior
 27 to the ~~teacher's~~ first day of teaching students.

28 ~~(ii)D.~~ D. At any time ~~the~~ a person who failed to pass the examination meets the
 29 requirements of Subparagraph (A)(1)(c) of this Section successfully passes the

1 examination, ~~he~~ **the person** shall be certified and may be employed on a permanent
 2 basis **issued a standard professional level teacher certificate provided the person**
 3 **meets all other requirements for background checks and criminal history**
 4 **reviews as required by law and board policy.**

5 (iii)~~E~~**E**. After five years of effective teaching evaluations pursuant to R.S.
 6 17:3902 and upon a signed affidavit of a superintendent of a school system
 7 recommending to employ the person ~~for the following school year~~ subject to the
 8 receipt of a valid Louisiana teaching certificate, the person shall be granted a valid
 9 standard professional level ~~teaching~~ **teacher** certificate by the state superintendent
 10 of education, subject only to ~~passing~~ **complying with** all provisions of law **or board**
 11 **policy** relative to background checks and criminal history review.

12 (iv)~~F~~**F**. The period during which a teacher is working with ~~an emergency a~~
 13 **provisional** teaching permit granted under the provisions of this ~~Paragraph~~ **Section**
 14 shall not count toward tenure.

15 **§8.4. Certification of principals and superintendents**

16 §7.1~~(B)~~**A**.(1) Any ~~persons~~ **person** applying for initial certification as a
 17 principal or vice, assistant, or deputy principal, ~~hereafter~~ referred to **in this Section**
 18 as a principal, in addition to any other requirements of the State Board of Elementary
 19 and Secondary Education, shall have passed the administrative portion of the
 20 educational leadership exam adopted by and at a level determined by the State Board
 21 of Elementary and Secondary Education.

22 (2) ~~Beginning August 15, 2003, and thereafter, any~~ **Any** person applying for
 23 initial certification as a principal or superintendent, in addition to any other
 24 requirements of the State Board of Elementary and Secondary Education, shall have
 25 satisfactorily passed the appropriate assessment instrument selected by the board at
 26 a level determined by the board.

27 (3) Any principal who holds valid out-of-state certification as a principal; **and**
 28 has at least four years of successful experience as a principal in another state as
 29 determined by the board, ~~and has completed one year of successful employment as~~

1 an assistant principal or a principal in a Louisiana public school system shall not be
 2 required to take the examination administered in accordance with the provisions of
 3 this ~~Subsection~~ **Section** or to submit any examination scores from any examination
 4 previously taken in another state as a prerequisite to the granting of certification in
 5 Louisiana provided that all of the following conditions are met:

6 (a) ~~The principal meets all other requirements for a Louisiana certificate as~~
 7 ~~may be required by law or board policy.~~

8 (b) ~~The local superintendent or his designee of the public school system~~
 9 ~~employing the principal has recommended the principal for employment for the~~
 10 ~~following school year subject to the receipt of a valid Louisiana certificate as a~~
 11 ~~principal.~~

12 (c) ~~The local superintendent or his designee has requested, on behalf of the~~
 13 ~~principal, that the principal be granted a valid Louisiana certificate as a principal~~ **the**
 14 **principal meets all other requirements for a Louisiana certificate, including**
 15 **background checks and criminal history reviews, as may be required by law**
 16 **and board policy.**

17 (4) A principal who holds valid out-of-state certification as a principal, and
 18 who applies to the State Board of Elementary and Secondary Education for
 19 certification as a principal, shall be granted a ~~three-year~~ **five-year** nonrenewable
 20 provisional certificate to be used while ~~such~~ **the** principal completes the
 21 requirements set forth in this ~~Subsection~~ **Section**.

22 **B. The State Board of Elementary and Secondary Education may adopt**
 23 **rules as are necessary for the orderly implementation of this Section and may**
 24 **make further provisions with regard to qualifications and requirements not**
 25 **inconsistent with this Section.**

26 **§8.5. Certification of foreign associate teachers**

27 ~~§7(6)(g)~~ The board shall develop and implement policies relative to the
 28 certification of foreign associate teachers that include ~~but shall not be limited to~~ the
 29 following components:

1 (i)(1) The designation by the board of the appropriate foreign language
2 associate teaching certificate to be granted to teachers who meet the certification
3 requirements of the Foreign Associate Teacher Program.

4 (ii)(2) Procedures for foreign language associate teaching certificate renewal
5 upon the teacher's completion of a required number of continuing learning units as
6 determined by the board.

7 (iii)(3) Testing requirements for teachers holding certain foreign language
8 associate teaching certificates who are pursuing a regular teaching certificate.

9 (iv)(4) The expansion of languages covered under the foreign language
10 associate teaching certificate that will allow for growth of the Foreign Associate
11 Teacher Program.

12 (v)(5) Support for the addition of a foreign language indicator to the list of
13 critical certification shortage areas in the revised Teacher Preparation Accountability
14 System to encourage universities to increase the number of foreign language teachers
15 who complete teacher preparation programs.

16 §8.6. Qualifications of school psychologists

17 ~~§7.1(D)~~A. The State Board of Elementary and Secondary Education shall, by
18 regulation, prescribe the qualifications, ~~provide for the certification,~~ and provide for
19 the supervision of school psychologists in the employ of any public agency regulated
20 by the board, notwithstanding the provisions of R.S. 37:2363 or any other ~~provisions~~
21 provision of law to the contrary. The ~~certification requirements~~ qualifications shall
22 not be less than those requirements established by the National Association of School
23 Psychology Psychologists. The board may deem a psychologist who meets the
24 qualifications as certified. Nothing ~~herein~~ in this Section shall be construed as
25 permitting a person ~~certified~~ qualified under the provisions of this Subsection to
26 offer to render, or to render ~~his~~ services as a psychologist in any setting other than
27 ~~his~~ the institutional employment unless ~~he~~ the person has been licensed under the
28 provisions of R.S. 37:2356 or licensed as a medical psychologist under the
29 provisions of R.S. 37:1360.51 et seq.

1 §7.1(E)~~B~~**B**. Notwithstanding any provision of law to the contrary, any person
 2 certified as a Level A school psychologist prior to September 1, 1986, shall be
 3 allowed to continue in the employment in which he was engaged and which was not
 4 specifically prohibited at the time of receiving ~~such~~ **the** certificate and may use the
 5 title "certified school psychologist" in the context of that employment.

6 **C. The State Board of Elementary and Secondary Education may adopt**
 7 **any rules necessary for the orderly implementation of this Section and may**
 8 **make further provisions with regard to qualifications and requirements not**
 9 **inconsistent with this Section.**

10 **§8.7. Prohibition against granting an educator credential or teaching**
 11 **authorization to certain persons; appeals**

12 **A. The State Board of Elementary and Secondary Education shall not**
 13 **grant an educator credential, a teaching authorization, or a certification of any**
 14 **type to a person who has been convicted of or pled nolo contendere to any crime**
 15 **listed in R.S. 15:587.1(C).**

16 §7(6)(h)~~B~~**B**. The board may, **after a successful appeal**, issue ~~a teaching~~
 17 ~~certificate~~ **an educator credential** or other teaching authorization to a person who
 18 has been convicted of or has pled nolo contendere to ~~an~~ **a felony** offense ~~listed, or~~
 19 **an offense listed** in R.S. 15:587.1(C), who has been found to have submitted
 20 fraudulent documentation to the board or the state Department of Education as part
 21 of an application for a teaching certificate or other teaching authorization, or who has
 22 been found to have facilitated cheating on any state assessment as determined by the
 23 board if all of the following conditions apply:

24 ~~(i)~~**(1)** Five years have passed from the date of entry of the person's final
 25 conviction, the date of entry of ~~his~~ **a** plea of nolo contendere, or the date of receipt
 26 of notification from the board of its determination that ~~he~~ **the person** submitted
 27 fraudulent documentation or facilitated cheating on a state assessment.

28 ~~(ii)~~**(2)** The board has received a request from the person for a formal appeal
 29 and has conducted a review of the person's background and the person has provided

1 letters of recommendation to the board, all in accordance with board policies.

2 ~~(iii)~~ **(3) The provisions of Subsection A of this Section shall not apply**
 3 **to any educator with an** offense is provided for in R.S. 40:966(A), 967(A), 968(A),
 4 969(A), or 970(A) **who has already been issued certification after an appeal to**
 5 **the board related to those specific offenses before July 1, 2023, or who has an**
 6 **appeal pending on June 30, 2023.** The board shall not grant a person who has been
 7 convicted of or has pled nolo contendere to any other offense listed in R.S.
 8 15:587.1(C) a teaching certificate, a teaching authorization, or an appeal.

9 ~~§7(6)(i)~~ **C.** Not later than December thirty-first of each year, the board shall
 10 submit a written report to the Senate Committee on Education and the House
 11 Committee on Education **post on its website a report** detailing the number of
 12 appeals filed with the board for the calendar year, the offense upon which the appeal
 13 is based, the disposition of each appeal, and the number of teacher certifications or
 14 other authorization to teach issued as the result of all successful appeals. The
 15 information in the report shall be reported in aggregate and by individual school and
 16 school system.

17 **D. In accordance with the Administrative Procedure Act, the board may**
 18 **adopt any rules necessary for the orderly implementation of this Section and**
 19 **may make further provisions not inconsistent with this Section.**

20 **§8.8. Certification appeals; appeals council; membership; duties; reporting**

21 ~~§7(6)(f)(i)~~ **A.** The board **State Board of Elementary and Secondary**
 22 **Education** shall establish an appeals process which provides for the circumstances
 23 under which an applicant who has been denied certification may appeal ~~such~~ **the**
 24 denial to the Teacher Certification Appeals Council, referred to in this ~~Subparagraph~~
 25 **Section** as the "council".

26 ~~(ii)~~ **B.** The council shall consist of nine members recommended by the state
 27 superintendent of education and approved by the board as follows:

28 ~~(aa)~~ **(1)** Three council members shall be college of education faculty
 29 members, each of whom shall represent a postsecondary education institution

1 participating in both traditional and alternative certification programs. The Louisiana
2 Association of Colleges for Teacher Education, the Louisiana Association of
3 Independent Colleges and Universities, and the Louisiana Association of Teacher
4 Educators shall each submit a list of three nominees. The superintendent shall
5 recommend one college of education faculty member from each ~~such~~ list.

6 ~~(bb)~~**(2)** Three council members shall be classroom teachers. The Associated
7 Professional Educators of Louisiana, the Louisiana Association of Educators, and the
8 Louisiana Federation of Teachers shall each submit a list of three nominees. The
9 superintendent shall recommend one classroom teacher from each ~~such~~ list.

10 ~~(ee)~~**(3)** Three council members shall be certified school or system
11 administrators. The Louisiana Association of School Executives, the Louisiana State
12 Association of School Personnel Administrators, and the Louisiana Association of
13 School Superintendents shall each submit a list of three nominees. The
14 superintendent shall recommend one administrator from each ~~such~~ list.

15 ~~(iii)~~**C.** Council members shall serve four-year terms, ~~after initial terms as~~
16 ~~provided in this Item. As determined by lot at the first meeting of the council, initial~~
17 ~~terms shall be as follows:~~

18 ~~(aa) One college of education faculty member, one classroom teacher, and~~
19 ~~one certified school or system administrator shall serve an initial term of two years.~~

20 ~~(bb) One college of education faculty member, one classroom teacher, and~~
21 ~~one certified school or system administrator shall serve an initial term of three years.~~

22 ~~(cc) One college of education faculty member, one classroom teacher, and~~
23 ~~one certified school or system administrator shall serve an initial term of four years.~~

24 ~~(iv)~~**D.** A majority of council members, not including vacancies, shall
25 constitute a quorum. All actions of the council shall be approved by the affirmative
26 vote of a majority of the members present and voting.

27 ~~(v)~~**E.** The council shall evaluate the appeals of persons seeking Louisiana
28 certification, including a review of the documents and transcripts of appellants, and
29 shall submit a written report of its findings to the board. A decision of the council

1 shall be a final decision.

2 ~~(vi)~~F. The council shall not consider appeals of persons who are nondegreed,
3 lack any examination scores required by the board for initial certification or
4 administrative certification, or lack fifty percent or more of required course work.
5 The council shall not consider requests to waive state or federal statutes pertaining
6 to teacher certification.

7 ~~(vii)~~G. The board shall establish by rules and regulations, in accordance with
8 the Administrative Procedure Act, all guidelines and procedures for carrying out the
9 provisions of this ~~Subparagraph~~ Section.

10 H. Upon the notification of the dissolution of any association with
11 nominating authority under this Section, the board shall name a similar
12 association to act as a nominating authority. The association shall submit a list
13 of three nominees to the superintendent. The superintendent shall recommend
14 one person from the list for approval by the board.

15 §8.9. Criminal history reviews for certification, teaching permits, or teacher
16 authorizations; state repository

17 ~~§15(C)~~A.(1) Any Beginning January 1, 2025, any applicant for an initial
18 educator credential or teaching authorization issued by the State Board of
19 Elementary and Secondary Education ~~or~~ through the state Department of Education
20 shall undergo a criminal history record check as provided in this ~~Subsection~~ Section.

21 (2) ~~The~~ Except as provided in R.S. 17:8.7(B), the State Board of
22 Elementary and Secondary Education by rule adopted in accordance with the
23 Administrative Procedure Act shall establish requirements and procedures consistent
24 with the provisions of R.S. 15:587.1 under which the state Department of Education
25 shall, for any applicant for or recipient of an educator credential or teaching
26 authorization issued in accordance with state law or board policy, do the following:

27 (a) Request information from the Louisiana Bureau of Criminal Identification
28 and Information, referred to in this ~~Subsection~~ Section as the "state bureau", and the
29 Federal Bureau of Investigation, referred to in this ~~Subsection~~ Section as the "federal

1 bureau", concerning whether the person has been arrested for, convicted of, or pled
2 nolo contendere to any criminal offense.

3 (b) Require and provide the procedure for the submission of a person's
4 fingerprints to the state bureau, and from the state bureau to the federal bureau, in a
5 form acceptable to the state bureau.

6 (3) The State Board of Elementary and Secondary Education by rule adopted
7 in accordance with the Administrative Procedure Act shall establish requirements
8 and procedures consistent with the provisions of R.S. 15:587.1 under which the
9 board may, for any applicant for or recipient of an educator credential or teaching
10 authorization issued in accordance with state law or board policy, do the following:

11 (a) Request information from the state bureau and the federal bureau
12 concerning whether the person has been arrested for, convicted of, or pled nolo
13 contendere to any criminal offense.

14 (b) Require and provide the procedure for the submission of a person's
15 fingerprints to the state bureau, and from the state bureau to the federal bureau, in a
16 form acceptable to the state bureau.

17 (4) The state Department of Education may charge a criminal history record
18 check processing fee not to exceed twenty-five dollars, which may be increased by
19 up to five percent annually; may collect the processing fees charged by the state
20 bureau for a state criminal history record check and the federal bureau for a federal
21 criminal history record check; and may collect the fees charged by sheriffs and third-
22 party vendors for fingerprinting. The department shall timely submit the appropriate
23 fees to the appropriate entities.

24 (5) ~~Except as provided in R.S. 17:7(6)(h), neither~~ **Neither** the board nor the
25 department shall issue an educator credential or teaching authorization to a person
26 who has been convicted of or has pled nolo contendere to a crime listed in R.S.
27 15:587.1(C) **or any felony**.

28 (6) ~~Any~~ **B. The department shall check the rap backs provided for in R.S.**
29 **15:587.1 for any** person with an educator credential or teaching authorization ~~issued~~

1 prior to June 1, 2023, shall obtain a state and federal criminal history check, through
2 the procedures provided for in this Subsection for new applicants who has not
3 previously obtained a state and federal criminal history check by the
4 department, when an educator is seeking to have such educator a credential or
5 teaching authorization renewed, advanced, or otherwise modified ~~or by June 1, 2028,~~
6 ~~whichever occurs sooner.~~ The department may obtain a state and federal
7 criminal history check in accordance with R.S. 17:8.9.

8 C. Except as provided in R.S. 17:7(6)(h) R.S. 17:8.7(B), neither the board
9 nor the department shall issue, renew, advance, or otherwise modify an educator
10 credential or teaching authorization for a person who has been convicted of or has
11 pled nolo contendere to a crime listed in R.S. 15:587.1(C).

12 D.(1) Upon final conviction of or plea of guilty or nolo contendere to any
13 felony offense or any offense listed in R.S. 15:587.1(C), an administrator,
14 teacher, or other school employee who has an educator credential or teaching
15 authorization issued by the board or the department shall report the fact of the
16 conviction or plea to the department within two business days, exclusive of
17 weekends and holidays, of the conviction or plea.

18 (2) An administrator, teacher, or school employee who fails to report to
19 the department the conviction or plea shall be fined not more than one thousand
20 dollars or imprisoned for not more than one year, with or without hard labor,
21 or both.

22 (3) The board shall revoke the educator credential or teaching
23 authorization of any person whose criminal history check reveals a conviction
24 of or plea of guilty or nolo contendere to any offense listed in R.S. 15:587.1(C)
25 or any felony offense.

26 (4) The department shall notify the last known school that employed the
27 person of the revocation of the educator credential or teaching authorization.

28 E. The department shall maintain and make available on its website the
29 identity of any person whose teaching certification or teaching authorization has

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been denied, suspended, or revoked for any of the following reasons:

(1) The person has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C), or any felony, even if adjudication was withheld or a pardon or expungement was granted.

(2) The person has been found to have submitted fraudulent documentation to the board or the department as part of an application for a Louisiana teaching certificate or other teaching authorization.

(3) The person has been found to have facilitated cheating on any state assessment as determined by the board.

F. A public or nonpublic elementary or secondary school system in Louisiana may choose not to hire a person whose certification or teaching authorization has been denied, suspended, or revoked.

G. The board may adopt any rules necessary for the orderly implementation of this Section and may make further provisions not inconsistent with this Section.

* * *

§15. Criminal history review

* * *

B. Each city, parish, and other local public school board shall establish, by regulation, requirements, and procedures consistent with the provisions of R.S. 15:587.1 under which the school systems ~~shall~~ may determine whether an applicant with a teaching credential or authorization issued by the state board or the state department, or and shall determine whether an employee, including any person employed as provided in Subparagraph (A)(1)(c) of this Section, has been arrested for or convicted of or pled nolo contendere to any criminal offense. A criminal background check is not required for an applicant with a teaching credential or authorization issued by the board or the department unless the applicant's teaching certification or teaching authorization has been denied, suspended, or revoked by the board or the department. Included in this regulation shall be the

1 requirement and the procedure for the submission of a person's fingerprints in a form
2 acceptable to the Louisiana Bureau of Criminal Identification and Information prior
3 to employment of such person.

4 * * *

5 C. [Redesignated as R.S 17:8.9]

6 * * *

7 E.(1) An administrator, teacher, or other school employee upon his final
8 conviction **of** or plea of guilty or nolo contendere to any criminal offense, excluding
9 traffic offenses, shall report the fact of his conviction or plea to his employer **and to**
10 **the department** within ~~forty-eight hours~~ **two business days, exclusive of weekends**
11 **and holidays**, of the conviction or plea of guilty or nolo contendere. **Upon receiving**
12 **a report of a final conviction of or plea of guilty or nolo contendere to any**
13 **criminal offense, excluding traffic offenses, by an employee holding a teaching**
14 **certificate or teaching authorization issued by the state board, a school or school**
15 **system shall report the fact of the conviction or plea to the Louisiana**
16 **Department of Education within two business days, exclusive of weekends and**
17 **holidays, of receiving the report of the conviction or plea of guilty or nolo**
18 **contendere.**

19 * * *

20 Section 2. R.S. 15:587.1(A), (B)(1)(a), (C)(introductory paragraph), (D)(2), and (E)
21 are hereby amended and reenacted to read as follows:

22 §587.1. Provision of information to protect children

23 A.(1)(~~a~~) As provided in R.S. 15:825.3, R.S. ~~17:15~~, **17:8.9, 15**, 407.42, and
24 407.71, Children's Code Article 424.1, and R.S. 46:51.2, any employer or others
25 responsible for the actions of one or more persons who have been given or have
26 applied to be considered for a position of supervisory or disciplinary authority over
27 children, and as provided in R.S. 46:51.2(A), the Department of Children and Family
28 Services as employer of one or more persons who have been given or have applied
29 to be considered for a position whose duties include the investigation of child abuse

1 or neglect, supervisory or disciplinary authority over children, direct care of a child,
2 or performance of licensing surveys, and for individuals who are employed by or
3 contracted staff of a child care institution, as defined in 42 U.S.C. 672, licensed by
4 the department, shall request in writing that the bureau supply information to
5 ascertain whether that person or persons have been arrested for or convicted of, or
6 pled nolo contendere to, any criminal offense. The request must be on a form
7 prepared by the bureau and signed by a responsible officer or official of the
8 organization or department making the request. It must include a statement signed
9 by the person about whom the request is made which gives his permission for such
10 information to be released.

11 ~~(b)~~**(2)** In responding to a request for information as provided for in
12 ~~Subparagraph (a) of this Paragraph~~ **(1) of this Subsection**, the bureau shall make
13 available a record of all criminal arrests and convictions prior to the date of request.
14 Any recipient of such information as provided in this ~~Paragraph~~ **Subsection** shall
15 maintain the confidentiality of such criminal history information in accordance with
16 applicable federal or state law.

17 ~~(c)~~**(3)** The bureau, upon receiving a request as provided for in ~~Subparagraph~~
18 ~~(a) of this Paragraph~~ **(2) of this Subsection**, shall provide a report promptly and in
19 writing, but provide only such information as is necessary to specify whether or not
20 that person has been arrested or convicted of or pled nolo contendere to any such
21 crime or crimes, the crime or crimes of which he has been arrested or convicted or
22 to which he has pled nolo contendere, and the date or dates on which they occurred.

23 B.(1)(a) Upon receiving a request pursuant to the provisions of R.S. ~~17:15,~~
24 **17:8.9, 15,** 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587,
25 that meets the requirements of Subsection A of this Section, the bureau of criminal
26 identification and information shall survey its criminal history records and
27 identification files and make a simultaneous request of the Federal Bureau of
28 Investigation for like information from other jurisdictions. The bureau of criminal
29 identification and information shall provide a report promptly and in writing, but

1 provide only such information as is necessary to specify whether or not that person
 2 has been arrested for or convicted of or pled nolo contendere to any crime or crimes,
 3 the crime or crimes of which he has been arrested for or convicted or to which he has
 4 pled nolo contendere, and the date or dates on which they occurred. The report
 5 provided pursuant to the provisions of this Subsection shall include arrests,
 6 convictions, or other dispositions, including convictions dismissed pursuant to Code
 7 of Criminal Procedure Articles 893 and 894.

8 * * *

9 C. The provisions of R.S. 15:825.3, R.S. ~~17:15~~, **17:8.9, 15**, 407.42, and
 10 407.71, R.S. 46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern
 11 the employment of persons who have been convicted of, or pled guilty or nolo
 12 contendere to, any of the following crimes:

13 * * *

14 D. * * *
 15 (2) The prohibition in Paragraph (1) of this Subsection against an individual
 16 applicant bearing any of the costs of providing information shall not apply to
 17 requests made pursuant to the provisions of R.S. ~~17:15~~, **17:8.9, 15**, 407.42, or 407.71
 18 or R.S. 46:51.2.

19 E. In addition to any penalties otherwise imposed under the provisions of this
 20 Chapter, the head of or other responsible person for any public entity who fails to
 21 comply with the provisions of Subsection A of this Section or who employs any
 22 person in violation of the provisions of R.S. 15:825.3, R.S. ~~17:15~~, **17:8.9, 15**, or R.S.
 23 46:51.2(A) or (B), shall be fined not more than five hundred dollars.

24 * * *

25 Section 3. R.S. 17:7(6)(e) and (10) are hereby repealed.

26 Section 4. The Louisiana State Law Institute is hereby directed to redesignate the
 27 current provisions of Title 17 as provided in Section 1 of this Act.

28 Section 5. The Louisiana State Law Institute is hereby authorized to update any
 29 citation references in Louisiana Law to conform with the changes made by this Act.

1 Section 6. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following such approval.

The original instrument was prepared by Cheryl Serrett. The following digest, which does not constitute a part of the legislative instrument, was prepared by LG Sullivan.

DIGEST

SB 197 Reengrossed

2023 Regular Session

Peacock

Present law requires the Board of Elementary and Secondary Education (BESE) to provide for the certification of teachers, which includes qualifications and requirements to indicate proficiency of the teacher to educate at the grade level and in the assigned subjects.

Proposed law redesignates various provisions of present law relative to teacher and educator certification and makes technical changes.

Present law requires certified teachers to have completed an approved teacher education program and prescribes the minimum requirements for students entering an approved teacher education program.

Proposed law provides for conditional acceptance of students into approved teacher education programs.

Present law requires an applicant who participated in an undergraduate teacher education program to take coursework in the teaching of reading. Allows any applicant who has participated in any alternate teacher education program the option of either completing the same coursework required of an undergraduate program applicant or possessing the reading and literacy competencies identified in scientifically based reading research at the national level and approved by BESE for the teaching of reading. Prohibits any secondary teacher from using more than three semester hours of teaching of reading for certification purposes.

Proposed law removes the maximum hours allowed to be used for certification purposes. Requires each applicant, regardless of whether the applicant participated in an undergraduate teacher education program, to meet at least one of the following requirements:

- (a) Complete the prescribed coursework.
- (b) Possess the identified reading and literacy competencies.

Proposed law changes the recipient of required reports in present law from the legislature to BESE and requires the posting of the reports on the BESE and state Department of Education (LDOE) website.

Present law allows certain persons who have not completed an approved teacher education program to teach on a provisional certificate in an area with a shortage of certified teachers.

Proposed law provides that a person with a bachelor's degree may teach on a provisional certificate in a shortage area in a secondary school.

Present law provides for the certification of principals and superintendents. Requires that a principal who is certified from another state and who has four years of successful experience in that state may be certified in Louisiana after one year of successful employment in Louisiana as a principal. Further provides that an out-of-state principal who has not passed the required assessment may be granted a three-year nonrenewable provisional certificate in order to take the exam.

Proposed law removes the requirement that a successful out-of-state principal have one year of successful employment prior to certification in Louisiana. Changes the length of the provisional certificate to five years to match the provisions of teachers.

Present law requires BESE to prescribe the qualification standards for school psychologists, which shall at a minimum be equal to the requirements set by the National Association of School Psychologists. Further provides for the certification of persons who meet those qualifications.

Proposed law allows BESE to deem certified a person who meets the qualifications.

Present law allows for certain individuals to appeal a denial of a certification. Further prohibits appeals from persons who have been convicted of or pled nolo contendere to certain crimes listed in R.S. 15:587.1(C). However, present law provides exceptions and allows appeals from individuals convicted of or who have pled guilty to certain crimes relative to the manufacture and distribution of drugs.

Proposed law removes the ability for any person who has been convicted of or pled nolo contendere to the manufacture and distribution of drugs to appeal the denial of a teaching certification.

Present law requires any person who has been convicted of or pled nolo contendere to a felony offense to report the conviction or plea to the employing school district.

Proposed law requires the person to also report the conviction or plea to the LDOE. Requires LDOE to revoke the certification of any person who has been convicted of or who has entered a plea for a crime listed in R.S. 15:587.1(C).

Present law requires criminal history checks for both employment and certification purposes. Requires the employer to run a check for employment purposes and LDOE to run a check for credentialing purposes.

Proposed law requires LDOE to maintain and make available on its website the identity of any person whose teaching certification or teaching authorization has been denied, suspended, or revoked for any one of these reasons:

- (1) The person has been convicted of or has pled nolo contendere to a crime listed in present law (R.S. 15:587.1(C)) for protection of children, or any felony, even if adjudication was withheld or a pardon or expungement was granted.
- (2) The person has been found to have submitted fraudulent documentation to BESE or LDOE as part of an application for a teaching certificate or other teaching authorization.
- (3) The person has been found to have facilitated cheating on any state assessment as determined by BESE.

Proposed law repeals present law provisions that prohibit BESE from limiting the number of times a temporary teaching permit may be issued.

Proposed law repeals present law requiring BESE to issue teacher authorizations for persons

not required to be certified for the limited purposes of ascertaining whether the person had submitted fraudulent documents or if proper background checks had been done by the employing school.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:571.1(A), (B)(1)(a), (C)(intro para), (D)(2), and (E) and R.S. 17:7(6), 7.1, and 15(B) and (C); adds R.S. 17:8.1-8.9; repeals R.S. 17:7(6)(e) and (10))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Allow BESE, upon receiving notification that an association with nominating authority relative to the teacher certification appeals council, to name a similar association to act as a nominating authority.
2. Retain present law provisions allowing any person who has been convicted of or pled nolo contendere to the manufacturing and/or distribution of drugs to appeal the denial of a teaching certification.
3. Require each applicant, regardless of whether the applicant participated in an undergraduate teacher education program to meet at least one of the following requirements:
 - (a) Complete the prescribed coursework.
 - (b) Possess the identified reading and literacy competencies.
4. Change from 48 hours to two business days exclusive of weekends and holidays the timeframe for an administrator, teacher, or other school employee who has an educator credential or teaching authorization issued by BESE or LDOE to report to LDOE a final conviction or plea of guilty or nolo contendere to any felony offense.
5. Remove requirement that LDOE request a new criminal background check upon receiving the notification of a final conviction or plea of guilty or nolo contendere to any felony offense.

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the engrossed bill

1. Add new statutory designation to the list of statutes under which the La. Bureau of Criminal Identification and Information provides certain information on whether a person has been arrested for or convicted of, or pled nolo contendere to, any criminal offense for the purpose of protecting children.
2. Remove requirement for LDOE to be the central fingerprint repository for persons with educator credentials or teaching authorizations.
3. Require LDOE to maintain and make available on its website the identity of any person whose teaching certification or teaching authorization has been denied, suspended, or revoked for any one of three specific reasons.