HLS 21RS-307 ENGROSSED

2021 Regular Session

HOUSE BILL NO. 312

1

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

AN ACT

2	To amend and reenact R.S. 1/: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 as provided in this Section.
14	(2) The State Board of Elementary and Secondary Education by rule adopted
15	in accordance with the Administrative Procedure Act shall establish requirements
16	and procedures consistent with the provisions of R.S. 15:587.1 for under which the
17	state Department of Education to determine whether an shall, for any applicant for
18	or the recipient of any certificate, license, or other a certificate or teaching
19	authorization issued in accordance with state law or board policy, do the following:

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

by the department or the board and who might reasonably be expected to be placed
in a position of supervisory or disciplinary authority over school children has been
convicted of or pled nolo contendere to any criminal offense. Included in this rule
shall be the requirement and
(a) Request information from the Louisiana Bureau of Criminal
Identification and Information, referred to in this Subsection as the state bureau, and
the Federal Bureau of Investigation, referred to in this Subsection as the federal
bureau, concerning whether the person has been arrested for or pled nolo contendere
to any criminal offense.
(b) Require and provide the procedure for the submission of a person's
fingerprints to the state bureau, and from the state bureau to the federal bureau, in a
form acceptable to the Louisiana Bureau of Criminal Identification and Information
state bureau.
(3) The state Department of Education may charge a criminal history record
check processing fee not to exceed twenty-five dollars, may collect the processing
fees charged by the state bureau for a state criminal history record check and the
federal bureau for a federal criminal history record check, and may collect the fees
charged by sheriffs and third-party vendors for fingerprinting. The department shall
timely submit the appropriate fees to the appropriate entities.
(4) Except as provided in R.S. 17:7(6)(h), the State Board of Elementary and
Secondary Education shall not issue a certification or a teaching authorization to a
person who has been convicted of or has pled nolo contendere to a crime listed in
<u>R.S. 15:587.1(C).</u>
(5) Any person with a certification or teaching authorization issued prior to
June 1, 2022, shall obtain a state and federal criminal history check through the
procedures provided for in this Subsection for new applicants when seeking to have
such certification or teaching authorization renewed, advanced, or otherwise
modified or by June 1, 2027, whichever occurs sooner. Except as provided in R.S.
17:7(6)(h) the state board shall not renew advance or otherwise modify a

1 certification or a teaching authorization for a person who has been convicted of or

2 has pled nolo contendere to a crime listed in R.S. 15:587.1(C).

3 \* \* \*

4 Section 2. This Act shall become effective on August 1, 2021; however, the

5 provisions of R.S. 17:15(C)(1) requiring a criminal history record check for applicants for

an initial certification or teaching authorization shall not be implemented until June 1, 2022.

## **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 Engrossed

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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.

<u>Present law</u> provides relative to the criminal history review of teachers and to their hiring, dismissal, and certification with respect thereto. <u>Proposed law</u> requires criminal background checks at the state and federal 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 and with fingerprinting.

<u>Proposed law</u> requires anyone granted certification prior to June 1, 2022, to obtain a criminal history record check in the same manner as provided in <u>proposed law</u> for new applicants when seeking its renewal, advancement, or any other modification or by June 1, 2027, whichever occurs sooner.

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

Effective August 1, 2021; however, <u>proposed law</u> 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))

## Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Education</u> to the <u>original</u> bill:

- 1. Authorize the state Dept. of Education (DOE) to collect fees charged for fingerprinting.
- 2. Require DOE to timely submit fees to appropriate entities.
- 3. Specify that the criminal history background check process for those seeking to renew, advance, other otherwise modify certification shall be the same as the process for applicants for new certification.
- 4. Prohibits BESE from renewing, advancing, or otherwise modifying the certification of anyone who has been convicted of or pled nolo contendere to certain crimes.
- 5. Add requirement that FBI records also be checked.