

2021 Regular Session

HOUSE BILL NO. 312

BY REPRESENTATIVES FREIBERG AND THOMPSON

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 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:

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, referred to in this Subsection as the "state bureau",  
7 and the Federal Bureau of Investigation, referred to in this Subsection as the "federal  
8 bureau", concerning whether the person has been arrested for or pled nolo contendere  
9 to any criminal offense.

10 (b) Require and provide the procedure for the submission of a person's  
11 fingerprints to the state bureau, and from the state bureau to the federal bureau, in a  
12 form acceptable to the Louisiana Bureau of Criminal Identification and Information  
13 state bureau.

14 (3) The state Department of Education may charge a criminal history record  
15 check processing fee not to exceed twenty-five dollars, may collect the processing  
16 fees charged by the state bureau for a state criminal history record check and the  
17 federal bureau for a federal criminal history record check, and may collect the fees  
18 charged by sheriffs and third-party vendors for fingerprinting. The department shall  
19 timely submit the appropriate fees to the appropriate entities.

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

24 (5) Any person with a certification or teaching authorization issued prior to  
25 June 1, 2022, shall obtain a state and federal criminal history check through the  
26 procedures provided for in this Subsection for new applicants when seeking to have  
27 such certification or teaching authorization renewed, advanced, or otherwise  
28 modified or by June 1, 2027, whichever occurs sooner. Except as provided in R.S.  
29 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  
6 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 Reengrossed                      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 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.

Proposed law requires anyone granted certification prior to June 1, 2022, to obtain a criminal history record check in the same manner as provided in proposed law for new applicants 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 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 present law (R.S. 15:587.1(C)).

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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original 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.