
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.