

2022 Regular Session

HOUSE BILL NO. 156

BY REPRESENTATIVE FREIBERG

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

1 AN ACT

2 To amend and reenact R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c) and R.S. 17:15(C) and to  
3 repeal R.S. 15:587.1(A)(2), relative to teacher certification; to require criminal  
4 background checks for those applying for an educator credential or teaching  
5 authorization; to require criminal background checks upon the renewal,  
6 advancement, or other modification of an existing certification or teaching  
7 authorization; to authorize the state Department of Education to charge a fee for such  
8 purposes; to provide for effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(C) are hereby amended and  
11 reenacted to read as follows:

12 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

13 Identification and Information

14 A.(1)

15 \* \* \*

16 (j)

17 \* \* \*

18 (ii) The Louisiana Department of Education shall be entitled to criminal  
19 history record and identification files of the bureau of any person who has submitted  
20 a fingerprint request pursuant to R.S. 15:587.1 and R.S. 17:15(C)(2). The bureau is

1 authorized to submit fingerprints to the Federal Bureau of Investigation to be  
2 retained in the FBI rap back system for the purpose of being searched by future  
3 submissions to the FBI rap back system, including latent fingerprint searches. The  
4 bureau shall make available to the Louisiana Department of Education rap backs for  
5 requests made pursuant to R.S. 17:15(C)(2).

6 \* \* \*

7 §587.1. Provision of information to protect children

8 \* \* \*

9 B.(1)

10 \* \* \*

11 (c) In addition to the requirements of Subparagraph (a) of this Paragraph, for  
12 requests made by the state Department of Education pursuant to R.S. ~~17:15;~~  
13 17:15(C)(2), the bureau is authorized to submit fingerprints to the Federal Bureau of  
14 Investigation to be retained in the FBI rap back system for the purpose of being  
15 searched by future submissions to the FBI rap back system, including latent  
16 fingerprint searches. The bureau shall make available to the Louisiana Department  
17 of Education rap backs for requests made pursuant to R.S. ~~17:15;~~ 17:15(C)(2). Any  
18 recipient of such information as provided for in this Paragraph shall maintain the  
19 confidentiality of such criminal history information in accordance with applicable  
20 state or federal law.

21 \* \* \*

22 Section 2. R.S. 17:15(C) is hereby amended and reenacted to read as follows:

23 §15. Criminal history review

24 \* \* \*

25 C.(1) Any applicant for an educator credential or teaching authorization  
26 issued by the State Board of Elementary and Secondary Education or the state  
27 Department of Education shall undergo a criminal history record check as provided  
28 in this Subsection.

1           (2) The State Board of Elementary and Secondary Education by rule adopted  
2           in accordance with the Administrative Procedure Act shall establish requirements  
3           and procedures consistent with the provisions of R.S. 15:587.1 ~~for under which the~~  
4           state Department of Education ~~to determine whether an~~ shall, for any applicant for  
5           or ~~the recipient of any certificate, license, or other~~ an educator credential or teaching  
6           authorization issued in accordance with state law or board policy, do the following:  
7           ~~by the department or the board and who might reasonably be expected to be placed~~  
8           ~~in a position of supervisory or disciplinary authority over school children has been~~  
9           ~~convicted of or pled nolo contendere to any criminal offense. Included in this rule~~  
10          ~~shall be the requirement and~~

11           (a) Request information from the Louisiana Bureau of Criminal  
12          Identification and Information, referred to in this Subsection as the "state bureau",  
13          and the Federal Bureau of Investigation, referred to in this Subsection as the "federal  
14          bureau", concerning whether the person has been arrested for, convicted of, or pled  
15          nolo contendere to any criminal offense.

16           (b) Require and provide the procedure for the submission of a person's  
17          fingerprints to the state bureau, and from the state bureau to the federal bureau, in a  
18          form acceptable to the Louisiana Bureau of Criminal Identification and Information  
19          state bureau.

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

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

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

4           (4) The state Department of Education may charge a criminal history record  
5           check processing fee not to exceed twenty-five dollars, which may be increased by  
6           up to five percent annually, may collect the processing fees charged by the state  
7           bureau for a state criminal history record check and the federal bureau for a federal  
8           criminal history record check, and may collect the fees charged by sheriffs and third-  
9           party vendors for fingerprinting. The department shall timely submit the appropriate  
10          fees to the appropriate entities.

11          (5) Except as provided in R.S. 17:7(6)(h), neither the board nor the  
12          department shall issue an educator credential or teaching authorization to a person  
13          who has been convicted of or has pled nolo contendere to a crime listed in R.S.  
14          15:587.1(C).

15          (6) Any person with an educator credential or teaching authorization issued  
16          prior to June 1, 2023, shall obtain a state and federal criminal history check, through  
17          the procedures provided for in this Subsection for new applicants, when seeking to  
18          have such educator credential or teaching authorization renewed, advanced, or  
19          otherwise modified or by June 1, 2028, whichever occurs sooner. Except as  
20          provided in R.S. 17:7(6)(h), neither the board nor the department shall renew,  
21          advance, or otherwise modify an educator credential or teaching authorization for 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

\* \* \*

25          Section 3. R.S. 15:587.1(A)(2) is hereby repealed in its entirety.

26          Section 4. The provisions of Section 1 of this Act supercede the provisions of  
27          Section 1 of Act No. 154 of the 2020 Regular Session of the Legislature that enacted R.S.  
28          15:587(A)(1)(j)(ii) and 587.1(B)(1)(c).

1 Section 5.(A) The provisions of this Section and Sections 2, 3, and 4 of this Act shall  
2 become effective on August 1, 2022; however, the provisions of R.S. 17:15(C)(1) requiring  
3 a criminal history record check for applicants for an educator credential or teaching  
4 authorization shall not be implemented until June 1, 2023.

5 (B) The provisions of Section 1 of this Act shall become effective on the date that  
6 R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c) as enacted by Section 2.(B) of Act No. 154 of  
7 the 2020 Regular Session of the Legislature would have become effective.

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#### 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)]

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HB 156 Engrossed

2022 Regular Session

Freiberg

**Abstract:** Requires criminal history record checks for purposes of educator credentials and teaching authorizations 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 educators and teachers and to their hiring, dismissal, and credentials or authorizations with respect thereto. Proposed law requires criminal background checks at the state and federal level, including the following:

- (1) A requirement that all applicants for an educator credential or teaching authorization 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. Further authorizes an annual fee increase of up to 5%.

Proposed law authorizes BESE to adopt rules under which the board itself, separately from DOE, may request criminal background information on any applicant for or recipient of an educator credential or teaching authorization.

Proposed law requires anyone granted an educator credential or teaching authorization prior to June 1, 2023, 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, 2028, whichever occurs sooner.

Present law prohibits BESE from granting an educator credential or teaching authorization 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)). Proposed law retains present law and further prohibits BESE from renewing, advancing, or otherwise modifying the educator credential or teaching authorization 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, 2022; however, proposed law requiring an applicant for an educator credential or teaching authorization to undergo a criminal history record check shall not be implemented until June 1, 2023.

(Amends R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c) and R.S. 17:15(C); Repeals R.S. 15:587.1(A)(2))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Authorize BESE to request criminal background information on applicants for and recipients of credentials.
2. Authorize an annual fee increase up to 5% for fingerprinting or processing record checks.