2022 Regular Session

HOUSE BILL NO. 156

1

BY REPRESENTATIVE FREIBERG

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
21	authorized to submit fingerprints to the Federal Bureau of Investigation to be
22	retained in the FBI rap back system for the purpose of being searched by future

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CODING: Words in struck through type are deletions from existing law; words $\underline{\text{underscored}}$ are additions.

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1	bureau shall make available to the Louisiana Department of Education rap backs for
2	requests made pursuant to R.S. 17:15(C)(2).
3	* * *
4	§587.1. Provision of information to protect children
5	* * *
6	B.(1)
7	* * *
8	(c) In addition to the requirements of Subparagraph (a) of this Paragraph, for
9	requests made by the state Department of Education pursuant to R.S. 17:15,
10	17:15(C)(2), the bureau is authorized to submit fingerprints to the Federal Bureau of
11	Investigation to be retained in the FBI rap back system for the purpose of being
12	searched by future submissions to the FBI rap back system, including latent
13	fingerprint searches. The bureau shall make available to the Louisiana Department
14	of Education rap backs for requests made pursuant to R.S. 17:15. 17:15(C)(2). Any
15	recipient of such information as provided for in this Paragraph shall maintain the
16	confidentiality of such criminal history information in accordance with applicable
17	state or federal law.
18	* * *
19	Section 2. R.S. 17:15(C) is hereby amended and reenacted to read as follows:
20	§15. Criminal history review
21	* * *
22	C.(1) Any applicant for an educator credential or teaching authorization
23	issued by the State Board of Elementary and Secondary Education or the state
24	Department of Education shall undergo a criminal history record check as provided
25	in this Subsection.
26	(2) The State Board of Elementary and Secondary Education by rule adopted
27	in accordance with the Administrative Procedure Act shall establish requirements
28	and procedures consistent with the provisions of R.S. 15:587.1 for under which the

HB NO. 156 **ENROLLED** 1 state Department of Education to determine whether an shall, for any applicant for 2 or the recipient of any certificate, license, or other an educator credential or teaching 3 authorization issued in accordance with state law or board policy, do the following: 4 by the department or the board and who might reasonably be expected to be placed 5 in a position of supervisory or disciplinary authority over school children has been 6 convicted of or pled nolo contendere to any criminal offense. Included in this rule 7 shall be the requirement and 8 (a) Request information from the Louisiana Bureau of Criminal 9 Identification and Information, referred to in this Subsection as the "state bureau", 10 and the Federal Bureau of Investigation, referred to in this Subsection as the "federal 11 bureau", concerning whether the person has been arrested for, convicted of, or pled 12 nolo contendere to any criminal offense. 13 (b) Require and provide the procedure for the submission of a person's 14 fingerprints to the state bureau, and from the state bureau to the federal bureau, in a 15 form acceptable to the Louisiana Bureau of Criminal Identification and Information 16 state bureau. 17 (3) The State Board of Elementary and Secondary Education by rule adopted 18 in accordance with the Administrative Procedure Act shall establish requirements 19 and procedures consistent with the provisions of R.S. 15:587.1 under which the

board may, for any applicant for or recipient of an educator credential or teaching authorization issued in accordance with state law or board policy, do the following:

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- (a) Request information from the state bureau and the federal bureau concerning whether the person has been arrested for, convicted of, 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 state bureau.
- (4) The state Department of Education may charge a criminal history record check processing fee not to exceed twenty-five dollars, which may be increased by

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1	up to five percent annually, may collect the processing fees charged by the state
2	bureau for a state criminal history record check and the federal bureau for a federal
3	criminal history record check, and may collect the fees charged by sheriffs and third-
4	party vendors for fingerprinting. The department shall timely submit the appropriate
5	fees to the appropriate entities.
6	(5) Except as provided in R.S. 17:7(6)(h), neither the board nor the
7	department shall issue an educator credential or teaching authorization to a person
8	who has been convicted of or has pled nolo contendere to a crime listed in R.S.
9	<u>15:587.1(C).</u>
10	(6) Any person with an educator credential or teaching authorization issued
11	prior to June 1, 2023, shall obtain a state and federal criminal history check, through
12	the procedures provided for in this Subsection for new applicants, when seeking to
13	have such educator credential or teaching authorization renewed, advanced, or
14	otherwise modified or by June 1, 2028, whichever occurs sooner. Except as
15	provided in R.S. 17:7(6)(h), neither the board nor the department shall renew,
16	advance, or otherwise modify an educator credential or teaching authorization for a
17	person who has been convicted of or has pled nolo contendere to a crime listed in
18	R.S. 15:587.1(C).
19	* * *
20	Section 3. R.S. 15:587.1(A)(2) is hereby repealed in its entirety.
21	Section 4. The provisions of Section 1 of this Act supercede the provisions of
22	Section 1 of Act No. 154 of the 2020 Regular Session of the Legislature that enacted R.S.
23	15:587(A)(1)(j)(ii) and 587.1(B)(1)(c).

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

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1	(B) The provisions of Section 1 of this Act shall become effective on the date that	
2	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	
3	the 2020 Regular Session of the Legislature would have become effective.	
	SPEAKER OF THE HOUSE OF REPRESENTATIVES	
	PRESIDENT OF THE SENATE	
	GOVERNOR OF THE STATE OF LOUISIANA	

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APPROVED: _____