

2022 Regular Session

HOUSE BILL NO. 156

BY REPRESENTATIVE FREIBERG

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AN ACT

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 repeal R.S. 15:587.1(A)(2), relative to teacher certification; to require criminal background checks for those applying for an educator credential or teaching authorization; to require criminal background checks upon the renewal, advancement, or other modification of an existing certification or teaching authorization; to authorize the state Department of Education to charge a fee for such purposes; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

Identification and Information

A.(1)

* * *

(j)

* * *

(ii) The Louisiana Department of Education shall be entitled to criminal history record and identification files of the bureau of any person who has submitted a fingerprint request pursuant to R.S. 15:587.1 and R.S. 17:15(C)(2). The bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. The

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

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

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

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

28 (4) The state Department of Education may charge a criminal history record
 29 check processing fee not to exceed twenty-five dollars, which may be increased by

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

APPROVED: _____