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)

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(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
§587.1. Provision of information to protect children

B.(1)

(c) In addition to the requirements of Subparagraph (a) of this Paragraph, for requests made by the state Department of Education pursuant to R.S. 17:15, 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 bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:15, 17:15(C)(2). Any recipient of such information as provided for in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable state or federal law.

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

§15. Criminal history review

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

(2) The State Board of Elementary and Secondary Education by rule adopted in accordance with the Administrative Procedure Act shall establish requirements and procedures consistent with the provisions of R.S. 15:587.1 for under which the
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ENROLLED

State Department of Education to determine whether an applicant for or the recipient of any certificate, license, or other educator credential or teaching authorization issued in accordance with state law or board policy do the following:

by the department or the board and who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children has been convicted of or pled nolo contendere to any criminal offense. Included in this rule shall be the requirement and

(a) Request information from the Louisiana Bureau of Criminal Identification and Information, referred to in this Subsection as the "state bureau", and the Federal Bureau of Investigation, referred to in this Subsection as 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 Louisiana Bureau of Criminal Identification and Information state bureau.

(3) The State Board of Elementary and Secondary Education by rule adopted in accordance with the Administrative Procedure Act shall establish requirements 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:

(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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up to five percent annually, may collect the processing fees charged by the state
bureau for a state criminal history record check and the federal bureau for a federal
criminal history record check, and may collect the fees charged by sheriffs and third-
party vendors for fingerprinting. The department shall timely submit the appropriate
fees to the appropriate entities.

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

(6) Any person with an educator credential or teaching authorization issued
prior to June 1, 2023, shall obtain a state and federal criminal history check, through
the procedures provided for in this Subsection for new applicants, when seeking to
have such educator credential or teaching authorization renewed, advanced, or
otherwise modified or by June 1, 2028, whichever occurs sooner. Except as
provided in R.S. 17:7(6)(h), neither the board nor the department shall renew,
advance, or otherwise modify an educator credential or teaching authorization for a
person who has been convicted of or has pled nolo contendere to a crime listed in
R.S. 15:587.1(C).

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

Section 4. The provisions of Section 1 of this Act supercede the provisions of
Section 1 of Act No. 154 of the 2020 Regular Session of the Legislature that enacted R.S.

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.
(B) The provisions of Section 1 of this Act shall become effective on the date that 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 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: __________________________

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