

2023 Regular Session

SENATE BILL NO. 197

BY SENATOR PEACOCK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TEACHERS. Provides relative to teacher certification. (gov sig)

AN ACT

To amend and reenact R.S. 17:7(6), 7.1, and 15(B) and (C), to enact R.S. 17:8.1 through 8.9, and to repeal R.S. 17:7(6)(e) and (10), relative to the certification of educators and school personnel; to provide for conditional admission into an approved teacher education program; to provide for alternative certification for certain persons; to provide relative to teachers certified in other states; to remove requirements for certain teaching authorizations and certifications; to provide relative to the qualifications and certifications of principals, superintendents, and school psychologists; to provide relative to criminal background checks for certification and authorization to teach; to provide consistency in terminology; to recodify and redesignate certain current provisions of Title 17 of the Louisiana Revised Statutes of 1950 into a new format and number scheme, to be comprised of R.S. 17:8.1 through 8.9 without changing the text of the provisions except as provided in this instrument; to make technical and conforming changes to reflect the format and number scheme provided in this instrument; to direct the Louisiana State Law Institute to change references to segments of law in existing statutes and codes as necessary to reflect the redesignation of those segments as provided in this

1 instrument; and to provide for related matters.

2 Be it enacted by the Legislature of Louisiana:

3 Section 1. R.S. 17:7(6), 7.1, and 15(B) and (C) are hereby amended and reenacted,  
4 and R.S. 17:8.1 through 8.9 are enacted to read as follows:

5 §7. Duties, functions, and responsibilities of board

6 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and  
7 responsibilities vested by any other applicable laws, the board shall:

8 \* \* \*

9 (6)(a)(i) Prescribe the qualifications and provide for the certification of  
10 teachers in accordance with applicable law, which qualifications and requirements  
11 shall ensure that certification shall be a reliable indicator of the minimum current  
12 ability and proficiency of the teacher to educate at the grade level and in the subjects  
13 to which the teacher is assigned.

14 (ii) [Redesignated as R.S. 17:8.1(C)]

15 (b) [Redesignated as R.S. 17:8.2(A) and (B)(introductory paragraph) and (1)]

16 (i) [Redesignated as R.S. 17:8.2(B)(2)]

17 (ii) [Redesignated as R.S. 17:8.2(C)]

18 (iii) [Redesignated as R.S. 17:8.2(D)]

19 (iv) [Redesignated as R.S. 17:8.2(E)]

20 (v) [Redesignated as R.S. 17:8.2(F)]

21 (vi) [Redesignated as R.S. 17:8.2(G)]

22 (c) [Redesignated as R.S. 17:8.3]

23 (d) [Redesignated as R.S. 17:8.2(H)]

24 (e) [Repealed]

25 (f) [Redesignated as R.S. 17:8.8]

26 (g) [Redesignated as R.S. 17:8.5]

27 (h) [Redesignated as R.S. 17:8.7(B)]

28 (i) [Redesignated as R.S. 17:8.7(C)]

29 \* \* \*

1               ~~§7.1.~~ **§8.1.** Certification of teachers; ~~certification of principals and superintendents;~~  
 2   ~~certification of school psychologists~~

3                   A. In carrying out its responsibility to prescribe the qualifications and provide  
 4 for the certification of teachers under authority of R.S. 17:7(6), the qualifications and  
 5 requirements established by the State Board of Elementary and Secondary Education  
 6 for certification of any applicant ~~for certification~~ who completes an approved teacher  
 7 education program in Louisiana shall include but not be limited to the following:

8                   (1) Beginning with the 2024-2025 academic year, that each approved teacher  
 9 education program shall not require more than one hundred twenty semester hours  
 10 of college credit for degree completion, inclusive of any classroom observation time  
 11 or mentorship requirements. Programs designated by the Board of Regents as dual  
 12 degrees or dual certifications shall be permitted to exceed the one-hundred-  
 13 twenty-semester-hour credit limit.

14                  (2) That the applicant shall have attained a 2.20 average on a 4.00 scale as a  
 15 condition for entrance into a teacher education program. **However, an applicant**  
 16 **who has not attained a 2.20 average may be granted conditional acceptance into**  
 17 **a teacher education program. In order for a student granted conditional**  
 18 **acceptance to continue in a teacher education program that awards credit**  
 19 **hours, the student shall achieve a 3.00 average by the end of the first twelve**  
 20 **credit hours. In order for a student granted conditional acceptance to continue**  
 21 **in a teacher education program that does not award credit hours, the student**  
 22 **shall demonstrate mastery of competencies as required by the program and by**  
 23 **the school system in which the applicant completes required clinical practice.**

24                  (3)(a) That the applicant shall have achieved a 2.50 average on a 4.00 scale  
 25 at graduation from an approved program.

26                  (b) An applicant who has passed all requisite examinations covering  
 27 pre-professional skills and content knowledge but who does not meet the  
 28 requirement of Subparagraph (a) of this Paragraph may be certified if ~~he completes~~  
 29 **upon completion of** a post-baccalaureate program, or ~~he may be employed as a~~

1 teacher for a period not to exceed five years in the following manner:

2 (i) ~~The state superintendent of education, upon receipt of a signed affidavit~~  
3 ~~by the president and superintendent of the school board to which such person has~~  
4 ~~applied for employment that there is no other applicant available for employment for~~  
5 ~~a specific teaching position who has met the requirements of this Section, may issue~~  
6 ~~an emergency teaching permit to such person. Such permit shall be in effect for not~~  
7 ~~more than five years.~~

8 (ii) ~~After five years of effective teaching evaluations pursuant to R.S.~~  
9 ~~17:3902 and upon a signed affidavit of a superintendent of a school system~~  
10 ~~recommending to employ the person for the following school year subject to the~~  
11 ~~receipt of a valid Louisiana teaching certificate, the person shall be granted a valid~~  
12 ~~standard professional level teaching certificate by the state superintendent of~~  
13 ~~education, subject only to passing all provisions of law relative to background checks~~  
14 ~~and criminal history review **granted a provisional teaching permit pursuant to**~~  
15 ~~**R.S. 17:8.3.**~~

16 (4)(a) ~~For applicants who have participated in any undergraduate teacher~~  
17 ~~education program, that the The applicant shall **meet at least one of the following**~~  
18 ~~**requirements:**~~

19 ~~(a) complete Complete the prescribed number of semester hours in the~~  
20 ~~teaching of reading as established in policy by the State Board of Elementary and~~  
21 ~~Secondary Education in accordance with the level of certification to be awarded;~~  
22 ~~~~such. The requirement to shall be in addition to requirements for English courses;~~~~  
23 ~~~~and such. The courses in the teaching of reading shall emphasize techniques of~~~~  
24 ~~teaching reading and the recognition and correction of reading problems of the~~  
25 ~~student **that are based on the science of reading and designed for educators and**~~  
26 ~~**that include information on instructing students regarding phonemic awareness,**~~  
27 ~~**phonics, fluency, vocabulary, and comprehension.** For certification at the~~  
28 ~~secondary level, not more than three semester hours in the teaching of reading shall~~  
29 ~~be considered for purposes of meeting certification requirements.~~

1 (b) For applicants who have participated in any alternate teacher education  
 2 program as provided pursuant to rules and regulations adopted by the State Board of  
 3 Elementary and Secondary Education, that the applicant shall be given the option of  
 4 either completing the same amount of semester hours as required for the teaching of  
 5 reading for undergraduate program applicants pursuant to this Paragraph or, in lieu  
 6 of such semester hour requirements, shall possess **Possess** the reading and literacy  
 7 competencies identified in scientifically based reading research at the national level  
 8 and approved by the State Board of Elementary and Secondary Education for the  
 9 teaching of reading.

10 (5) That the applicant shall have spent a minimum of 270 **two hundred**  
 11 **seventy** clock hours in student teaching with at least 180 of such **one hundred**  
 12 **eighty** hours spent in actual teaching.

13 (6) That the applicant shall have completed a substantial portion of his 180  
 14 **the one hundred eighty** hours of actual student teaching on an all-day basis.

15 *[Effective Date: Text of Paragraph (A)(8) (A)(7) effective on January 1, 2024.]*

16 *(7)(8) That an applicant who is applying for initial certification to teach*  
 17 *kindergarten through third grade shall, as part of the examination required pursuant*  
 18 *to R.S. 17:7(6)(b) **R.S. 17:8.2**, pass a rigorous test of scientifically researched,*  
 19 *evidence-based reading instruction and intervention, including data-based*  
 20 *decisionmaking principles related to reading instruction and intervention, as*  
 21 *approved by the Department of Education.*

22 [§7.1(B) redesignated as §17:8.4]

23 §7.1(C)**B**. The State Board of Elementary and Secondary Education may  
 24 adopt such **any** rules as are necessary for the orderly implementation of this Section  
 25 and may make further provisions with regard to qualifications and requirements not  
 26 inconsistent with this Section.

27 §7(6)(a)(ii)**C**. Additionally, whenever there is a qualification or condition  
 28 established by law or board policy, or both, that a teacher holding a **regular standard**  
 29 **professional level** teacher certificate which is valid for three years shall comply

1 with, in order for the teacher to be issued a ~~permanent regular~~ **standard professional**  
2 **level** teacher certificate, and it is not possible for a teacher at a nonpublic school to  
3 comply with ~~such~~ **the** qualification or condition due to the teacher being employed  
4 at a nonpublic school, the board shall establish an alternative method or process by  
5 which the nonpublic school teacher may meet ~~such~~ **the** qualification or condition. A  
6 teacher employed in a nonpublic school who meets the qualifications or conditions  
7 pursuant to the alternative method or process established pursuant to this ~~Item~~  
8 **Subsection** shall be issued a ~~permanent regular~~ **standard professional level** teacher  
9 certificate which shall be valid for all purposes in this state and under all the same  
10 conditions as if it had been issued to a teacher who complied with the qualifications  
11 or conditions as otherwise established by law or board policy. Prior to establishing  
12 an alternative method or process, the board shall direct the nonpublic school  
13 commission to formulate, develop, and recommend to the board the alternative  
14 method or process by which the nonpublic school teacher may meet the qualification;  
15 or condition and the method or process established by the board shall be consistent  
16 with the recommendations of the nonpublic school commission.

17 §7.1(D) [Redesignated as R.S. 17:8.6(A)]

18 §7.1(E) [Redesignated as R.S. 17:8.6(B)]

19 ~~§7.1(F)~~ **D.** In carrying out its responsibility to prescribe the qualifications and  
20 provide for the certification of teachers under authority of R.S. 17:7(6), if the State  
21 Board of Elementary and Secondary Education enters into any agreement for the  
22 certification to teach in Louisiana of teachers certified to teach in another state, ~~such~~  
23 **the** agreement shall:

24 (1) Be reciprocal, making applicable to any other state which is a party to  
25 ~~such~~ **the** agreement and teachers certified to teach in ~~such~~ **the** other state who seek  
26 certification in Louisiana equivalent to requirements as determined by the Louisiana  
27 state Department of Education to those the agreement places on Louisiana and  
28 teachers certified to teach in Louisiana who apply for certification in ~~another~~ **the**  
29 **other** state.

1 (2) Provide for the certification in Louisiana of a teacher certified to teach in  
2 another state only if ~~such~~ **the** teacher has been employed in a professional  
3 educational capacity requiring certification as a teacher for ~~the~~ three years  
4 ~~immediately~~ preceding application for Louisiana teacher certification unless the  
5 teacher completes ~~such~~ **the** additional educational requirements as shall be approved  
6 by the State Board of Elementary and Secondary Education. The provisions of this  
7 Paragraph shall not apply to a teacher who has been certified to teach in another state  
8 for less than three years and has been employed in a professional educational  
9 capacity requiring certification as a teacher for the entire period of certification.

10 **§8.2. Teacher certification examinations**

11 ~~§7(6)(b)~~ **A.** A person applying for initial certification as a teacher in a public  
12 school shall have passed satisfactorily an examination, which shall include  
13 pedagogical knowledge, and knowledge in ~~his~~ **the applicant's** area of specialization,  
14 as a prerequisite to the granting of ~~such~~ **the** certificate **by the State Board of**  
15 **Elementary and Secondary Education.**

16 **B.** However, ~~a person~~ **the following persons may be issued a provisional**  
17 **teaching permit or an authorization to teach without meeting the requirement**  
18 **of Subsection A of this Section:**

19 **(1) Any person** who is employed as a foreign language teacher in a Certified  
20 Foreign Language Immersion Program pursuant to R.S. 17:273.2, ~~and~~ who is not  
21 otherwise eligible to receive state authorization to teach through participation in the  
22 Foreign Associate Teacher Program, ~~shall not be required to pass the examination~~  
23 ~~required by this Subparagraph, but shall~~ **who has** at least ~~have~~ a baccalaureate  
24 degree, and ~~shall be subject to~~ **has satisfied** all provisions of state law relative to  
25 background checks and criminal history review applicable to the employment of  
26 public school personnel.

27 ~~(i) Any person certified to teach in another state who applies for certification~~  
28 ~~to teach in the public schools of Louisiana shall be required to pass satisfactorily the~~  
29 ~~examination which is administered in accordance with the provisions of this~~

1 Paragraph as a prerequisite to the granting of such certification. However, a

2 (2) Any teacher certified in another state who meets all other requirements  
3 for a Louisiana **standard professional level teacher** certificate granted to out-  
4 of-state graduates except for the satisfactory passage of the examination ~~shall be~~  
5 ~~granted a three-year provisional certificate~~ **and who does not meet the**  
6 **requirements of Subsection C of this Section.**

7 (3) Any person who meets all other certification requirements except  
8 **failure to successfully pass the original examination but who scored within ten**  
9 **percent of the score required for passage.**

10 ~~(ii) Any~~ **C. In addition, any** teacher who holds a valid out-of-state teaching  
11 certificate and has at least three years of successful teaching experience in another  
12 state as determined by the board shall not be required to take the examination or to  
13 submit any examination scores from any examination previously taken in another  
14 state as a prerequisite to the granting of certification in Louisiana. Upon application  
15 and verification of successful teaching experience in another state by the board, the  
16 teacher shall be granted a valid standard Louisiana **professional level** teaching  
17 certificate provided the teacher meets all other requirements for background checks  
18 and criminal history reviews as may be required by law and board policy.

19 ~~(iii) D.~~ **D.** The examination shall be administered to each student in a teacher  
20 education program at a public college or university in Louisiana prior to graduation  
21 and shall be administered to other applicants at any time ~~such~~ **the** examination is  
22 offered. The board shall prescribe other qualifications and requirements and shall  
23 consider other factors.

24 ~~(iv) E.~~ **E.** The state superintendent of education shall administer the  
25 ~~aforementioned~~ policy of the board **regarding examinations.** In administering the  
26 policy, the superintendent shall choose the appropriate testing instrument, shall  
27 conduct all necessary research to validate the applicability of the instrument to  
28 teacher education programs within the state of Louisiana, and shall conduct all  
29 necessary research to determine the level at which the examination is satisfactorily



1 completed. During the conduct of the research and in the preparation of the testing  
 2 instrument, the superintendent shall meet with and consider the suggestions of  
 3 individual classroom teachers, representatives of teacher organizations, deans of  
 4 education of the public colleges and universities of the state, and representatives of  
 5 each of the governing boards for higher education.

6 ~~(v)~~**F.** Any applicant seeking certification may apply for and take any required  
 7 test or tests without limitation as to the frequency of applications or testing.

8 ~~(vi)~~**G.** The state superintendent of education shall annually submit a report  
 9 to the ~~House Committee on Education and the Senate Committee on Education~~ **state**  
 10 **board and publish the report on its website** relative to the examination  
 11 administered pursuant to this ~~Paragraph~~ **Section**. ~~Such~~ **The** report shall include but  
 12 not be limited to the following: the number of persons to whom the examination was  
 13 administered, the educational background and teaching experience of ~~such~~ **the**  
 14 persons, the number of persons successfully completing the examination, the  
 15 effectiveness of the examination, and any suggestions for improving the  
 16 examination.

17 ~~§7(6)(d)~~**H.** Any examination selected by the state superintendent of education  
 18 ~~which would supercede the examination to be~~ used pursuant to ~~Subparagraph (b) of~~  
 19 ~~this Paragraph~~ **this Section** and any criteria established to determine the level at  
 20 which either the examination used or any examination selected to supercede it is  
 21 satisfactorily completed shall be approved by the State Board of Elementary and  
 22 Secondary Education.

### 23 **§8.3. Provisional Teaching Permit**

24 **A. The State Board of Elementary and Secondary Education may issue**  
 25 **a provisional teaching permit to:**

26 **(1) Any person who has not passed the examinations required pursuant**  
 27 **to R.S. 17:8.2 and who satisfies one of the following:**

28 ~~§7(6)(c)~~ Any person who holds **(a) Holds** at least a master's degree in the  
 29 subject area in which ~~he~~ **the person** is seeking employment.

1                   **(b) Holds a bachelor's degree in the subject area in which the person is**  
 2                   **seeking employment, provided that the employment will be in a secondary**  
 3                   **school.**

4                   ~~(c) or any person who meets~~ **Meets** all other certification requirements except  
 5                   ~~he failed~~ **the requirement** to successfully pass the original examination but who  
 6                   scored within ten percent of the score required for passage.

7                   **(2) Any person who has graduated from an approved teacher education**  
 8                   **program with less than a 2.50 average on a 4.00 scale, but who meets all other**  
 9                   **certification requirements for a standard professional level teacher certificate.**

10                  **B. Any person holding a provisional teaching permit** may be employed as  
 11                  a teacher for a period not to exceed five years **in if both of** the following **manner are**  
 12                  **satisfied:**

13                  ~~(i) (1)~~ **(1)** The state superintendent of education, ~~upon receipt of~~ **receives** a signed  
 14                  affidavit by the president and superintendent of the school board to which ~~such~~ **the**  
 15                  person has applied for employment that there is no other applicant available for  
 16                  employment for a specific teaching position who has ~~met the requirements of this~~  
 17                  Section **a valid standard professional level teacher certificate** and ~~who~~ **stating**  
 18                  **that the person** has agreed to participate in a mentorship program offered by the  
 19                  school board, ~~may issue an emergency teaching permit to such person. Such permit~~  
 20                  ~~shall be in effect for not more than five years.~~

21                  **(2) Each academic year, the person receives a successful teaching**  
 22                  **evaluation pursuant to R.S. 17:3902.**

23                  ~~C. Each teacher~~ **Any person** issued ~~an emergency~~ **a provisional** teaching  
 24                  permit who has not completed an approved teacher education program shall be  
 25                  required to complete a preservice training session offered by the school board prior  
 26                  to the ~~teacher's~~ first day of teaching students.

27                  ~~(ii) D.~~ **D.** At any time ~~the~~ **a** person who failed to pass the examination **meets the**  
 28                  **requirements of Subparagraph (A)(1)(c) of this Section** successfully passes the  
 29                  examination, ~~he~~ **the person** shall be certified and may be employed on a permanent

1 basis issued a standard professional level teacher certificate provided the person  
 2 meets all other requirements for background checks and criminal history  
 3 reviews as required by law and board policy.

4 (iii)E. After five years of effective teaching evaluations pursuant to R.S.  
 5 17:3902 and upon a signed affidavit of a superintendent of a school system  
 6 recommending to employ the person ~~for the following school year~~ subject to the  
 7 receipt of a valid Louisiana teaching certificate, the person shall be granted a valid  
 8 standard professional level ~~teaching~~ teacher certificate by the state superintendent  
 9 of education, subject only to ~~passing~~ complying with all provisions of law or board  
 10 policy relative to background checks and criminal history review.

11 (iv)F. The period during which a teacher is working with ~~an emergency a~~  
 12 provisional teaching permit granted under the provisions of this ~~Paragraph~~ Section  
 13 shall not count toward tenure.

#### 14 §8.4. Certification of principals and superintendents

15 ~~§7.1(B)~~ A.(1) Any ~~persons~~ person applying for initial certification as a  
 16 principal or vice, assistant, or deputy principal, ~~hereafter~~ referred to in this Section  
 17 as a principal, in addition to any other requirements of the State Board of Elementary  
 18 and Secondary Education, shall have passed the administrative portion of the  
 19 educational leadership exam adopted by and at a level determined by the State Board  
 20 of Elementary and Secondary Education.

21 (2) ~~Beginning August 15, 2003, and thereafter, any~~ Any person applying for  
 22 initial certification as a principal or superintendent, in addition to any other  
 23 requirements of the State Board of Elementary and Secondary Education, shall have  
 24 satisfactorily passed the appropriate assessment instrument selected by the board at  
 25 a level determined by the board.

26 (3) Any principal who holds valid out-of-state certification as a principal; and  
 27 has at least four years of successful experience as a principal in another state as  
 28 determined by the board; ~~and has completed one year of successful employment as~~  
 29 ~~an assistant principal or a principal in a Louisiana public school system~~ shall not be

1 required to take the examination administered in accordance with the provisions of  
 2 this ~~Subsection~~ **Section** or to submit any examination scores from any examination  
 3 previously taken in another state as a prerequisite to the granting of certification in  
 4 Louisiana provided that ~~all of the following conditions are met:~~

5 (a) ~~The principal meets all other requirements for a Louisiana certificate as~~  
 6 ~~may be required by law or board policy.~~

7 (b) ~~The local superintendent or his designee of the public school system~~  
 8 ~~employing the principal has recommended the principal for employment for the~~  
 9 ~~following school year subject to the receipt of a valid Louisiana certificate as a~~  
 10 ~~principal.~~

11 (c) ~~The local superintendent or his designee has requested, on behalf of the~~  
 12 ~~principal, that the principal be granted a valid Louisiana certificate as a principal~~ **the**  
 13 **principal meets all other requirements for a Louisiana certificate, including**  
 14 **background checks and criminal history reviews, as may be required by law**  
 15 **and board policy.**

16 (4) A principal who holds valid out-of-state certification as a principal, and  
 17 who applies to the State Board of Elementary and Secondary Education for  
 18 certification as a principal, shall be granted a ~~three-year~~ **five-year** nonrenewable  
 19 provisional certificate to be used while ~~such~~ **the** principal completes the  
 20 requirements set forth in this ~~Subsection~~ **Section**.

21 **B. The State Board of Elementary and Secondary Education may adopt**  
 22 **rules as are necessary for the orderly implementation of this Section and may**  
 23 **make further provisions with regard to qualifications and requirements not**  
 24 **inconsistent with this Section.**

25 **§8.5. Certification of foreign associate teachers**

26 ~~§7(6)(g)~~ The board shall develop and implement policies relative to the  
 27 certification of foreign associate teachers that include ~~but shall not be limited to~~ the  
 28 following components:

29 ~~(1)~~ **(1)** The designation by the board of the appropriate foreign language

1 associate teaching certificate to be granted to teachers who meet the certification  
2 requirements of the Foreign Associate Teacher Program.

3 ~~(ii)~~**(2)** Procedures for foreign language associate teaching certificate renewal  
4 upon the teacher's completion of a required number of continuing learning units as  
5 determined by the board.

6 ~~(iii)~~**(3)** Testing requirements for teachers holding certain foreign language  
7 associate teaching certificates who are pursuing a regular teaching certificate.

8 ~~(iv)~~**(4)** The expansion of languages covered under the foreign language  
9 associate teaching certificate that will allow for growth of the Foreign Associate  
10 Teacher Program.

11 ~~(v)~~**(5)** Support for the addition of a foreign language indicator to the list of  
12 critical certification shortage areas in the revised Teacher Preparation Accountability  
13 System to encourage universities to increase the number of foreign language teachers  
14 who complete teacher preparation programs.

#### 15 **§8.6. Qualifications of school psychologists**

16 ~~§7.1(D)~~**A.** The State Board of Elementary and Secondary Education shall, by  
17 regulation, prescribe the qualifications, ~~provide for the certification~~, and provide for  
18 the supervision of school psychologists in the employ of any public agency regulated  
19 by the board, notwithstanding the provisions of R.S. 37:2363 or any other ~~provisions~~  
20 **provision** of law to the contrary. The ~~certification requirements~~ **qualifications** shall  
21 not be less than those requirements established by the National Association of School  
22 Psychology **Psychologists. The board may deem a psychologist who meets the**  
23 **qualifications as certified.** Nothing ~~herein~~ **in this Section** shall be construed as  
24 permitting a person ~~certified~~ **qualified** under the provisions of this Subsection to  
25 offer to render, or to render ~~his~~ services as a psychologist in any setting other than  
26 ~~his~~ **the** institutional employment unless ~~he~~ **the person** has been licensed under the  
27 provisions of R.S. 37:2356 or licensed as a medical psychologist under the  
28 provisions of R.S. 37:1360.51 et seq.

29 ~~§7.1(E)~~**B.** Notwithstanding any provision of law to the contrary, any person

1 certified as a Level A school psychologist prior to September 1, 1986, shall be  
2 allowed to continue in the employment in which he was engaged and which was not  
3 specifically prohibited at the time of receiving ~~such~~ **the** certificate and may use the  
4 title "certified school psychologist" in the context of that employment.

5 **C. The State Board of Elementary and Secondary Education may adopt**  
6 **any rules necessary for the orderly implementation of this Section and may**  
7 **make further provisions with regard to qualifications and requirements not**  
8 **inconsistent with this Section.**

9 **§8.7. Prohibition against granting an educator credential or teaching**  
10 **authorization to certain persons; appeals**

11 **A. The State Board of Elementary and Secondary Education shall not**  
12 **grant an educator credential, a teaching authorization, or a certification of any**  
13 **type to a person who has been convicted of or pled nolo contendere to any crime**  
14 **listed in R.S. 15:587.1(C).**

15 ~~§7(6)(h)~~**B.** The board may, **after a successful appeal**, issue ~~a teaching~~  
16 certificate **an educator credential** or other teaching authorization to a person who  
17 has been convicted of or has pled nolo contendere to ~~an~~ **a felony** offense ~~listed, or~~  
18 **an offense listed** in R.S. 15:587.1(C), who has been found to have submitted  
19 fraudulent documentation to the board or the state Department of Education as part  
20 of an application for a teaching certificate or other teaching authorization, or who has  
21 been found to have facilitated cheating on any state assessment as determined by the  
22 board if all of the following conditions apply:

23 ~~(i)~~**(1)** Five years have passed from the date of entry of the person's final  
24 conviction, the date of entry of ~~his~~ **a** plea of nolo contendere, or the date of receipt  
25 of notification from the board of its determination that ~~he~~ **the person** submitted  
26 fraudulent documentation or facilitated cheating on a state assessment.

27 ~~(ii)~~**(2)** The board has received a request from the person for a formal appeal  
28 and has conducted a review of the person's background and the person has provided  
29 letters of recommendation to the board, all in accordance with board policies.

1           ~~(iii)~~ **(3) The provisions of Subsection A of this Section shall not apply**  
 2           **to any educator with an** offense is provided for in R.S. 40:966(A), 967(A), 968(A),  
 3           969(A), or 970(A) **who has already been issued certification after an appeal to**  
 4           **the board related to those specific offenses before July 1, 2023, or who has an**  
 5           **appeal pending on June 30, 2023.** ~~The board shall not grant a person who has been~~  
 6           ~~convicted of or has pled nolo contendere to any other offense listed in R.S.~~  
 7           ~~15:587.1(C) a teaching certificate, a teaching authorization, or an appeal.~~

8           ~~§7(6)(i)C.~~ Not later than December thirty-first of each year, the board shall  
 9           ~~submit a written report to the Senate Committee on Education and the House~~  
 10           ~~Committee on Education~~ **post on its website a report** detailing the number of  
 11           appeals filed with the board for the calendar year, the offense upon which the appeal  
 12           is based, the disposition of each appeal, and the number of teacher certifications or  
 13           other authorization to teach issued as the result of all successful appeals. The  
 14           information in the report shall be reported in aggregate and by individual school and  
 15           school system.

16           **D. In accordance with the Administrative Procedure Act, the board may**  
 17           **adopt any rules necessary for the orderly implementation of this Section and**  
 18           **may make further provisions not inconsistent with this Section.**

19           **§8.8. Certification appeals; appeals council; membership; duties; reporting**

20           ~~§7(6)(f)(i) A.~~ The board **State Board of Elementary and Secondary**  
 21           **Education** shall establish an appeals process which provides for the circumstances  
 22           under which an applicant who has been denied certification may appeal ~~such~~ **the**  
 23           denial to the Teacher Certification Appeals Council, referred to in this ~~Subparagraph~~  
 24           **Section** as the "council".

25           ~~(ii)B.~~ The council shall consist of nine members recommended by the state  
 26           superintendent of education and approved by the board as follows:

27           ~~(aa)(1)~~ Three council members shall be college of education faculty  
 28           members, each of whom shall represent a postsecondary education institution  
 29           participating in both traditional and alternative certification programs. The Louisiana

1 Association of Colleges for Teacher Education, the Louisiana Association of  
 2 Independent Colleges and Universities, and the Louisiana Association of Teacher  
 3 Educators shall each submit a list of three nominees. The superintendent shall  
 4 recommend one college of education faculty member from each ~~such~~ list.

5 ~~(bb)~~**(2)** Three council members shall be classroom teachers. The Associated  
 6 Professional Educators of Louisiana, the Louisiana Association of Educators, and the  
 7 Louisiana Federation of Teachers shall each submit a list of three nominees. The  
 8 superintendent shall recommend one classroom teacher from each ~~such~~ list.

9 ~~(ee)~~**(3)** Three council members shall be certified school or system  
 10 administrators. The Louisiana Association of School Executives, the Louisiana State  
 11 Association of School Personnel Administrators, and the Louisiana Association of  
 12 School Superintendents shall each submit a list of three nominees. The  
 13 superintendent shall recommend one administrator from each ~~such~~ list.

14 ~~(iii)~~**C.** Council members shall serve four-year terms, ~~after initial terms as~~  
 15 ~~provided in this Item. As determined by lot at the first meeting of the council, initial~~  
 16 ~~terms shall be as follows:~~

17 ~~(aa) One college of education faculty member, one classroom teacher, and~~  
 18 ~~one certified school or system administrator shall serve an initial term of two years.~~

19 ~~(bb) One college of education faculty member, one classroom teacher, and~~  
 20 ~~one certified school or system administrator shall serve an initial term of three years.~~

21 ~~(cc) One college of education faculty member, one classroom teacher, and~~  
 22 ~~one certified school or system administrator shall serve an initial term of four years.~~

23 ~~(iv)~~**D.** A majority of council members, not including vacancies, shall  
 24 constitute a quorum. All actions of the council shall be approved by the affirmative  
 25 vote of a majority of the members present and voting.

26 ~~(v)~~**E.** The council shall evaluate the appeals of persons seeking Louisiana  
 27 certification, including a review of the documents and transcripts of appellants, and  
 28 shall submit a written report of its findings to the board. A decision of the council  
 29 shall be a final decision.



1           ~~(vi)~~**F.** The council shall not consider appeals of persons who are nondegreed,  
 2           lack any examination scores required by the board for initial certification or  
 3           administrative certification, or lack fifty percent or more of required course work.  
 4           The council shall not consider requests to waive state or federal statutes pertaining  
 5           to teacher certification.

6           ~~(vii)~~**G.** The board shall establish by rules and regulations, in accordance with  
 7           the Administrative Procedure Act, all guidelines and procedures for carrying out the  
 8           provisions of this ~~Subparagraph~~ **Section**.

9           **H. Upon the notification of the dissolution of any association with**  
 10          **nominating authority under this Section, the board shall name a similar**  
 11          **association to act as a nominating authority. The association shall submit a list**  
 12          **of three nominees to the superintendent. The superintendent shall recommend**  
 13          **one person from the list for approval by the board.**

14          **§8.9. Criminal history reviews for certification, teaching permits, or teacher**  
 15          **authorizations; state repository**

16          ~~§15(C)~~**A.**(1) Any applicant for an **initial** educator credential or teaching  
 17          authorization issued by the State Board of Elementary and Secondary Education ~~or~~  
 18          **through** the state Department of Education shall undergo a criminal history record  
 19          check as provided in this ~~Subsection~~ **Section**.

20          (2) 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 state  
 23          Department of Education shall, for any applicant for or recipient of an educator  
 24          credential or teaching authorization issued in accordance with state law or board  
 25          policy, do the following:

26          (a) Request information from the Louisiana Bureau of Criminal Identification  
 27          and Information, referred to in this ~~Subsection~~ **Section** as the "state bureau", and the  
 28          Federal Bureau of Investigation, referred to in this ~~Subsection~~ **Section** as the "federal  
 29          bureau", concerning whether the person has been arrested for, convicted of, or pled

1 nolo contendere to any criminal offense.

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

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

10 (a) Request information from the state bureau and the federal bureau  
11 concerning whether the person has been arrested for, convicted of, or pled nolo  
12 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 state bureau.

16 (4) The state Department of Education may charge a criminal history record  
17 check processing fee not to exceed twenty-five dollars, which may be increased by  
18 up to five percent annually; may collect the processing fees charged by the state  
19 bureau for a state criminal history record check and the federal bureau for a federal  
20 criminal history record check; and may collect the fees charged by sheriffs and third-  
21 party vendors for fingerprinting. The department shall timely submit the appropriate  
22 fees to the appropriate entities.

23 (5) ~~Except as provided in R.S. 17:7(6)(h), neither~~ **Neither** the board nor the  
24 department shall issue an educator credential or teaching authorization to a person  
25 who has been convicted of or has pled nolo contendere to a crime listed in R.S.  
26 15:587.1(C) **or any felony**.

27 ~~(6)B.(1)~~ **(1)** Any person with an educator credential or teaching authorization  
28 issued prior to ~~June 1, 2023~~ **January 1, 2024, who has not previously obtained a**  
29 **state and federal criminal history check by the department**, shall obtain a state

1 and federal criminal history check, through the procedures provided for in this  
2 ~~Subsection~~ Section for new applicants, when seeking to have such an educator  
3 credential or teaching authorization renewed, advanced, or otherwise modified ~~or by~~  
4 June 1, 2028, whichever occurs sooner.

5 (2) For any educator with a lifetime credential issued prior to  
6 January 1, 2024, the board shall develop a timeline to require each educator to  
7 obtain a state and federal criminal history check through the procedures  
8 provided for in this Section for new applicants.

9 C. Except as provided in ~~R.S. 17:7(6)(h)~~ R.S. 17:8.7(B), neither the board  
10 nor the department shall issue, renew, advance, or otherwise modify an educator  
11 credential or teaching authorization for a person who has been convicted of or has  
12 pled nolo contendere to a crime listed in R.S. 15:587.1(C).

13 D.(1) Upon final conviction or plea of guilty or nolo contendere to any  
14 felony offense or any offense listed in R.S. 15:587.1(C), an administrator,  
15 teacher, or other school employee who has an educator credential or teaching  
16 authorization issued by the board or the department shall report the fact of the  
17 conviction or plea to the department within two business days exclusive of  
18 weekends and holidays of the conviction or plea.

19 (2) An administrator, teacher, or school employee who fails to report to  
20 the department the conviction or plea shall be fined not more than one thousand  
21 dollars or imprisoned for not more than one year, with or without hard labor,  
22 or both.

23 (3) The board shall revoke the educator credential or teaching  
24 authorization of any person whose criminal history check reveals a conviction  
25 or plea of guilty or nolo contendere or any offense listed in R.S. 15:587.1(C) or  
26 to any felony offense.

27 (4) The department shall notify the last known school that employed the  
28 person of the revocation of the educator credential or teaching authorization.

29 E.(1) The department shall serve as the central repository of fingerprint

1 data for an administrator, teacher, or other school employee who has an  
2 educator credential or teaching authorization issued by the board or the  
3 department and shall share the data with a city, parish, or other local public  
4 school board.

5 (2) Upon request of a city, parish, or other local public school board, the  
6 department shall check the records to determine when the employee last had a  
7 criminal history check. If it is determined the criminal history check was  
8 conducted within the last twelve months, the department shall share the  
9 information with the local school board. If the criminal history check was  
10 conducted more than twelve months ago, the department shall notify the local  
11 school board that a new check is necessary and that the local board shall be  
12 charged for a new criminal history check. The department may also charge the  
13 local school board the processing fee pursuant to Paragraph (A)(4) of this  
14 Section. The local school board may pass the cost of the new criminal check and  
15 the related processing fee on to the applicant.

16 (3) If at any time the department receives feedback from the state bureau  
17 or the federal bureau on a felony conviction for any administrator, teacher, or  
18 other school employee who has an educator credential or teaching authorization  
19 issued by the board or the department, the department shall forward the  
20 information to the last known school employing the person.

21 F. For the purposes of this Section, "city, parish, or other local public  
22 school board" shall mean the governing authority of any public elementary or  
23 secondary school.

24 \* \* \*

25 §15. Criminal history review

26 \* \* \*

27 B.(1) Each city, parish, and other local public school board shall submit a  
28 request to the state Department of Education for a criminal history record  
29 check.

1                       (2) Each city, parish, and other local public school board shall establish,  
 2                       by regulation, requirements; and procedures consistent with the provisions of R.S.  
 3                       15:587.1 under which the school systems shall determine whether an applicant other  
 4                       than an applicant with a teaching credential or authorization issued by the state  
 5                       board or the state department, or employee, including any person employed as  
 6                       provided in Subparagraph (A)(1)(c) of this Section, has been arrested for or  
 7                       convicted of or has pled nolo contendere to any criminal offense. Included in this  
 8                       regulation shall be the requirement and the procedure for the submission of a  
 9                       person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal  
 10                      Identification and Information prior to employment of such person.

\*           \*           \*

C.         [Redesignated as R.S 17:8.9]

\*           \*           \*

14                   Section 2. R.S. 17:7(6)(e) and (10) are hereby repealed.

15                   Section 3. The Louisiana State Law Institute is hereby directed to redesignate the  
 16                   current provisions of Title 17 as provided in Section 1 of this Act.

17                   Section 4. The Louisiana State Law Institute is hereby authorized to update any  
 18                   citation references in Louisiana Law to conform with the changes made by this Act.

19                   Section 5. This Act shall become effective upon signature by the governor or, if not  
 20                   signed by the governor, upon expiration of the time for bills to become law without signature  
 21                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 22                   vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 23                   effective on the day following such approval.

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The original instrument was prepared by Cheryl Serrett. The following digest, which does not constitute a part of the legislative instrument, was prepared by LG Sullivan.

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SB 197 Engrossed	DIGEST 2023 Regular Session	Peacock
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Present law requires the Board of Elementary and Secondary Education (BESE) to provide for the certification of teachers, which includes qualifications and requirements to indicate proficiency of the teacher to educate at the grade level and in the assigned subjects.

Proposed law redesignates various provisions of present law relative to teacher and educator certification and makes technical changes.

Present law requires certified teachers to have completed an approved teacher education program and prescribes the minimum requirements for students entering an approved teacher education program.

Proposed law provides for conditional acceptance of students into approved teacher education programs.

Present law requires an applicant who participated in an undergraduate teacher education program to take coursework in the teaching of reading. Allows any applicant who has participated in any alternate teacher education program the option of either completing the same coursework required of an undergraduate program applicant or possessing the reading and literacy competencies identified in scientifically based reading research at the national level and approved by BESE for the teaching of reading. Prohibits any secondary teacher from using more than three semester hours of teaching of reading for certification purposes.

Proposed law removes the maximum hours allowed to be used for certification purposes. Requires each applicant, regardless of whether the applicant participated in an undergraduate teacher education program, to meet at least one of the following requirements:

- (a) Complete the prescribed coursework.
- (b) Possess the identified reading and literacy competencies.

Proposed law changes the recipient of required reports in present law from the legislature to BESE and requires the posting of the reports on the BESE and state Department of Education (LDOE) website.

Present law allows certain persons who have not completed an approved teacher education program to teach on a provisional certificate in an area with a shortage of certified teachers.

Proposed law provides that a person with a bachelor's degree may teach on a provisional certificate in a shortage area in a secondary school.

Present law provides for the certification of principals and superintendents. Requires that a principal who is certified from another state and who has four years of successful experience in that state may be certified in Louisiana after one year of successful employment in Louisiana as a principal. Further provides that an out-of-state principal who has not passed the required assessment may be granted a three-year nonrenewable provisional certificate in order to take the exam.

Proposed law removes the requirement that a successful out-of-state principal have one year of successful employment prior to certification in Louisiana. Changes the length of the provisional certificate to five years to match the provisions of teachers.

Present law requires BESE to prescribe the qualification standards for school psychologists, which shall at a minimum be equal to the requirements set by the National Association of School Psychologists. Further provides for the certification of persons who meet those qualifications.

Proposed law allows BESE to deem certified a person who meets the qualifications.

Present law allows for certain individuals to appeal a denial of a certification. Further prohibits appeals from persons who have been convicted of or pled nolo contendere to certain crimes listed in R.S. 15:587.1(C). However, present law provides exceptions and allows appeals from individuals convicted of or who have pled guilty to certain crimes

relative to the manufacture and distribution of drugs.

Proposed law removes the ability for persons who have been convicted of or pled nolo contendere to the manufacture and distribution of drugs to appeal the denial of their teaching certification.

Present law requires any person who has been convicted of or plead nolo contendere to a felony offense to report the conviction or plea to the employing school district.

Proposed law requires the person to also report the conviction or plea to the LDOE. Requires LDOE to revoke the certification of any person who has been convicted of or who has entered a plea for a crime listed in R.S. 15:587.1(C).

Present law requires criminal history checks for both employment and certification purposes. Requires the employer to run a check for employment purposes and LDOE to run a check for credentialing purposes.

Proposed law provides that the department shall be the central fingerprint repository for administrators, teachers, and other employees who have educator credentials or teaching authorizations. Provides for the process for the LDOE to share information on the person with the local school board employing the person or where the person is seeking employment.

Proposed law repeals present law provisions that prohibit BESE from limiting the number of times a temporary teaching permit may be issued.

Proposed law repeals present law requiring BESE to issue teacher authorizations for persons not required to be certified for the limited purposes of ascertaining whether the person had submitted fraudulent documents or if proper background checks had been done by the employing school.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:7(6), 7.1, and 15(B) and (C); adds R.S. 17:8.1-8.9; repeals R.S. 17:7(6)(e) and (10))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Allow BESE, upon receiving notification that an association with nominating authority relative to the teacher certification appeals council, to name a similar association to act as a nominating authority.
2. Retain present law provisions allowing any person who has been convicted of or pled nolo contendere to the manufacturing and/or distribution of drugs to appeal the denial of a teaching certification.
3. Require each applicant, regardless of whether the applicant participated in an undergraduate teacher education program to meet at least one of the following requirements:
  - (a) Complete the prescribed coursework.
  - (b) Possess the identified reading and literacy competencies.
4. Change from 48 hours to two business days exclusive of weekends and

holidays the timeframe for an administrator, teacher, or other school employee who has an educator credential or teaching authorization issued by BESE or LDOE to report to LDOE a final conviction or plea of guilty or nolo contendere to any felony offense.

5. Remove requirement that LDOE request a new criminal background check upon receiving the notification of a final conviction or plea of guilty or nolo contendere to any felony offense.