
SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed Senate Bill No. 197 by Senator Peacock

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" and before "R.S." insert "R.S. 15:587.1(A), (B)(1)(a),
3 (C)(introductory paragraph), (D)(2), and (E) and" and change "15(B) and (C)" to "15(B),
4 (C), and (E)(1)"

5 AMENDMENT NO. 2

6 On page 2, line 3, change "15(B) and (C)" to "15(B), (C), and (E)(1)"

7 AMENDMENT NO. 3

8 On page 17, line 16, change "Any" to " **Any Beginning January 1, 2025, any**"

9 AMENDMENT NO. 4

10 On page 17, line 20, change "The" to "**The Except as provided in R.S. 17:8.7(B), the**"

11 AMENDMENT NO. 5

12 On page 18, delete lines 27 through 29 and on page 19, delete lines 1 through 8 and insert:

13 ~~"(6) Any~~ **B. The department shall check the rap backs provided for in R.S.**
14 **15:587.1 for any** person with an educator credential or teaching authorization ~~issued prior~~
15 ~~to June 1, 2023, shall obtain a state and federal criminal history check, through the~~
16 ~~procedures provided for in this Subsection for new applicants~~ **who has not previously**
17 **obtained a state and federal criminal history check by the department,** when **an**
18 **educator is** seeking to have ~~such educator a~~ credential or teaching authorization renewed,
19 advanced, or otherwise modified ~~or by June 1, 2028, whichever occurs sooner.~~ **The**
20 **department may obtain a state and federal criminal history check in accordance with**
21 **R.S. 17:8.9."**

22 AMENDMENT NO. 6

23 On page 19, line 13, after "**conviction**" and before "**or plea**" insert "**of**"

24 AMENDMENT NO. 7

25 On page 19, at the end of line 24, insert "**of**"

26 AMENDMENT NO. 8

27 On page 19, line 25, change "**guity**" to "**guilty**" and after "**contendere**" and before "**any**
28 **offense**" change "**or**" to "**to**"

29 AMENDMENT NO. 9

30 On page 19, at the beginning of line 26, delete "**to**"

31 AMENDMENT NO. 10

32 On page 19, delete line 29 and on page 20, delete lines 1 through 23 and insert:

1 "E. The department shall maintain and make available on its website the
2 identity of any person whose teaching certification or teaching authorization has been
3 denied, suspended, or revoked for any of the following reasons:

4 (1) The person has been convicted of or has pled nolo contendere to a crime
5 listed in R.S. 15:587.1(C), or any felony, even if adjudication was withheld or a pardon
6 or expungement was granted.

7 (2) The person has been found to have submitted fraudulent documentation to
8 the board or the department as part of an application for a Louisiana teaching
9 certificate or other teaching authorization.

10 (3) The person has been found to have facilitated cheating on any state
11 assessment as determined by the board.

12 F. A public or nonpublic elementary or secondary school system in Louisiana
13 may choose not to hire a person whose certification or teaching authorization has been
14 denied, suspended, or revoked.

15 G. The board may adopt any rules necessary for the orderly implementation
16 of this Section and may make further provisions not inconsistent with this Section."

17 AMENDMENT NO. 11

18 On page 20, delete lines 27 through 29 and on page 21, delete lines 1 through 10 and insert:

19 "B. Each city, parish, and other local public school board shall establish, by
20 regulation, requirements, and procedures consistent with the provisions of R.S. 15:587.1
21 under which the school systems ~~shall~~ may determine whether an applicant with a teaching
22 credential or authorization issued by the state board or the state department, or and
23 shall determine whether an employee, including any person employed as provided in
24 Subparagraph (A)(1)(c) of this Section, has been arrested for or convicted of or pled nolo
25 contendere to any criminal offense. A criminal background check is not required for an
26 applicant with a teaching credential or authorization issued by the board or the
27 department unless the applicant's teaching certification or teaching authorization has
28 been denied, suspended, or revoked by the board or the department. Included in this
29 regulation shall be the requirement and the procedure for the submission of a person's
30 fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and
31 Information prior to employment of such person."

32 AMENDMENT NO. 12

33 On page 21, between lines 13 and 14, insert:

34 "E.(1) An administrator, teacher, or other school employee upon his final conviction
35 of or plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses,
36 shall report the fact of his conviction or plea to his employer and to the department within
37 ~~forty-eight hours~~ two business days, exclusive of weekends and holidays, of the conviction
38 or plea of guilty or nolo contendere. Upon receiving a report of a final conviction of or
39 plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses, by
40 an employee holding a teaching certificate or teaching authorization issued by the state
41 board, a school or school system shall report the fact of the conviction or plea to the
42 Louisiana Department of Education within two business days, exclusive of weekends
43 and holidays, of receiving the report of the conviction or plea of guilty or nolo
44 contendere.

45 * * *

46 Section 2. R.S. 15:587.1(A), (B)(1)(a), (C)(introductory paragraph), (D)(2), and (E)
47 are hereby amended and reenacted to read as follows:

48 §587.1. Provision of information to protect children

49 A.(1)~~(a)~~ As provided in R.S. 15:825.3, R.S. ~~17:15,~~ 17:8.9, 15, 407.42, and 407.71,
50 Children's Code Article 424.1, and R.S. 46:51.2, any employer or others responsible for the
51 actions of one or more persons who have been given or have applied to be considered for a
52 position of supervisory or disciplinary authority over children, and as provided in R.S.
53 46:51.2(A), the Department of Children and Family Services as employer of one or more
54 persons who have been given or have applied to be considered for a position whose duties
55 include the investigation of child abuse or neglect, supervisory or disciplinary authority over

1 children, direct care of a child, or performance of licensing surveys, and for individuals who
2 are employed by or contracted staff of a child care institution, as defined in 42 U.S.C. 672,
3 licensed by the department, shall request in writing that the bureau supply information to
4 ascertain whether that person or persons have been arrested for or convicted of, or pled nolo
5 contendere to, any criminal offense. The request must be on a form prepared by the bureau
6 and signed by a responsible officer or official of the organization or department making the
7 request. It must include a statement signed by the person about whom the request is made
8 which gives his permission for such information to be released.

9 ~~(b)~~ **(2)** In responding to a request for information as provided for in ~~Subparagraph~~
10 ~~(a) of this Paragraph (1) of this Subsection,~~ the bureau shall make available a record of all
11 criminal arrests and convictions prior to the date of request. Any recipient of such
12 information as provided in this ~~Paragraph~~ **Subsection** shall maintain the confidentiality of
13 such criminal history information in accordance with applicable federal or state law.

14 ~~(c)~~ **(3)** The bureau, upon receiving a request as provided for in ~~Subparagraph (a) of~~
15 ~~this Paragraph (2) of this Subsection,~~ shall provide a report promptly and in writing, but
16 provide only such information as is necessary to specify whether or not that person has been
17 arrested or convicted of or pled nolo contendere to any such crime or crimes, the crime or
18 crimes of which he has been arrested or convicted or to which he has pled nolo contendere,
19 and the date or dates on which they occurred.

20 B.(1)(a) Upon receiving a request pursuant to the provisions of R.S. ~~17:15,~~ **17:8.9,**
21 **15,** 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the
22 requirements of Subsection A of this Section, the bureau of criminal identification and
23 information shall survey its criminal history records and identification files and make a
24 simultaneous request of the Federal Bureau of Investigation for like information from other
25 jurisdictions. The bureau of criminal identification and information shall provide a report
26 promptly and in writing, but provide only such information as is necessary to specify
27 whether or not that person has been arrested for or convicted of or pled nolo contendere to
28 any crime or crimes, the crime or crimes of which he has been arrested for or convicted or
29 to which he has pled nolo contendere, and the date or dates on which they occurred. The
30 report provided pursuant to the provisions of this Subsection shall include arrests,
31 convictions, or other dispositions, including convictions dismissed pursuant to Code of
32 Criminal Procedure Articles 893 and 894.

33 * * *

34 C. The provisions of R.S. 15:825.3, R.S. ~~17:15,~~ **17:8.9, 15,** 407.42, and 407.71, R.S.
35 46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern the employment of
36 persons who have been convicted of, or pled guilty or nolo contendere to, any of the
37 following crimes:

38 * * *

39 D.

* * *

40 (2) The prohibition in Paragraph (1) of this Subsection against an individual applicant
41 bearing any of the costs of providing information shall not apply to requests made pursuant
42 to the provisions of R.S. ~~17:15,~~ **17:8.9, 15,** 407.42, or 407.71 or R.S. 46:51.2.

43 E. In addition to any penalties otherwise imposed under the provisions of this
44 Chapter, the head of or other responsible person for any public entity who fails to comply
45 with the provisions of Subsection A of this Section or who employs any person in violation
46 of the provisions of R.S. 15:825.3, R.S. ~~17:15,~~ **17:8.9, 15,** or R.S. 46:51.2(A) or (B), shall
47 be fined not more than five hundred dollars.

48 * * *

49 AMENDMENT NO. 13

50 On page 21, line 14, change "Section 2" to "Section 3"

51 AMENDMENT NO. 14

52 On page 21, line 15, change "Section 3" to "Section 4"

53 AMENDMENT NO. 15

54 On page 21, line 17, change "Section 4" to "Section 5"

- 1 AMENDMENT NO. 16
- 2 On page 21, line 19, change "Section 5" to "Section 6"