

## HOUSE BILL NO. HB0075

Background check requirements-professional licensure.

Sponsored by: Representative(s) Zwonitzer and Wilson and  
Senator(s) Pappas

A BILL

for

1 AN ACT relating to criminal history records; requiring  
2 individuals certified by the professional teaching standards  
3 board to submit to a criminal history record background check  
4 every ten years after initial certification; requiring  
5 speech-language pathologists, audiologists and assistants to  
6 submit to a criminal history record background check as a  
7 condition of licensure; making conforming amendments;  
8 specifying applicability; and providing for an effective  
9 date.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 7-19-106(a)(xxvi) and by creating a new  
14 paragraph (xxx), 7-19-201(a)(iii) and by creating a new  
15 paragraph (xxvi), 21-2-802(e), 33-33-102(a)(ix)(intro) and

1 33-33-105 by creating a new subsection (b) are amended to  
2 read:

3

4 **7-19-106. Access to, and dissemination of, information.**

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6 (a) Criminal history record information shall be  
7 disseminated by criminal justice agencies in this state,  
8 whether directly or through any intermediary, only to:

9

10 (xxvi) The Wyoming professional teaching  
11 standards board for purposes of obtaining background  
12 information on ~~applications~~ applicants for initial  
13 certification and certified personnel every ten (10) years  
14 after initial certification, as required by W.S. 21-2-802(e).  
15 If requested by a school district, ~~to~~ school district boards  
16 of trustees ~~for obtaining~~ may obtain background information  
17 on employees who may have access to minors in the course of  
18 employment;

19

20 (xxx) The board of examiners of speech-language  
21 pathology and audiology for purposes of obtaining background  
22 information on persons applying for licensure on or after  
23 July 1, 2019 as speech-language pathologists, audiologists or

1 speech-language pathology assistants under Wyoming statutes  
2 title 33, chapter 33.

3

4       **7-19-201. State or national criminal history record**  
5 **information.**

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7       (a) The following persons shall be required to submit  
8 to fingerprinting in order to obtain state and national  
9 criminal history record information:

10

11           (iii) Applicants for initial certification by the  
12 professional teaching standards board and certified personnel  
13 every ten (10) years after initial certification, as required  
14 by W.S. 21-2-802(e), and employees initially hired by a school  
15 district on or after July 1, 1996, who may have access to  
16 minors in the course of their employment. In accordance with  
17 W.S. 21-3-111(a)(xxi), employees of a school district who  
18 meet the qualifications of this paragraph shall also be  
19 required to submit to fingerprinting for purposes of this  
20 subsection upon request of, and payment of applicable fees  
21 by, the employing school district;

22

1           (xxvi) Persons applying for licensure on or after  
2 July 1, 2019 as speech-language pathologists, audiologists or  
3 speech-language pathology assistants under Wyoming statutes  
4 title 33, chapter 33.

5  
6           **21-2-802. Powers and duties; teacher certification;**  
7 **initial and continuing background check requirements;**  
8 **suspension and revocation; certification fees; disposition of**  
9 **collected fees; required data submissions to department of**  
10 **education.**

11  
12           (e) No certification shall be issued under this section  
13 until a criminal history background check has been filed with  
14 and received by the board, the applicant provides a release  
15 of information and the applicant consents to the release of  
16 any criminal history information to the board and if  
17 applicable, to the employing school district. Individuals  
18 certified by the board under this section shall, as a  
19 condition of continued certification, also submit to a  
20 criminal history record background check every ten (10) years  
21 as provided in this subsection. Upon receipt of a background  
22 report pursuant to this subsection indicating that the  
23 applicant or certified individual has a conviction equal to

1 a felony under Wyoming law or any conviction for an act which  
2 would constitute a violation under chapter 2 or chapter 4 of  
3 title 6 of the Wyoming statutes, the board shall ~~immediately~~  
4 ~~provide a copy of the report to the employing local school~~  
5 ~~board if the information involves a certified individual~~  
6 ~~employed by that local board and if the local board has~~  
7 ~~requested a copy of the report~~ follow its investigative  
8 procedures and notify the local school board that an  
9 investigation has been initiated against a certified  
10 employee. For all persons ~~seeking initial certification under~~  
11 ~~this section on or after July 1, 1996~~ required to submit to  
12 a criminal history record background check pursuant to this  
13 section:

14  
15 (i) The applicant or certified individual shall be  
16 required to verify under oath whether he has been convicted  
17 of a felony. The board may deny or revoke certification of  
18 any applicant or certified individual who has been convicted  
19 of a felony that relates to the practice of teaching or to  
20 the ability to practice as a teacher and may annul a  
21 certificate for misrepresentation by an applicant or  
22 certified individual of his criminal history. Any felony  
23 related to a sexual offense shall be considered to relate to

1 the practice of teaching. Action by the board to revoke or  
2 annul a certificate shall be taken following a hearing  
3 conducted in accordance with the Wyoming Administrative  
4 Procedure Act, unless the person holding the certification  
5 waives the right to a hearing;

6

7 (ii) The applicant or certified individual shall  
8 provide to the board fingerprints and other information  
9 necessary for a criminal history record background check as  
10 provided in W.S. 7-19-201(a).

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12 **33-33-102. Definitions.**

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14 (a) As used in this act:

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16 (ix) "Speech-language pathology assistant" means  
17 an individual who meets minimum qualifications established by  
18 this act and board ~~rule~~-rules for speech-language pathology  
19 assistants and who works under the supervision of a licensed  
20 speech-language pathologist. A speech-language pathology  
21 assistant may:

22

23 **33-33-105. Eligibility for licensing.**

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2       (b) In addition to any other applicable requirements  
3 specified by this act or board rules, to be eligible for  
4 licensing by the board as a speech-language pathologist,  
5 audiologists or speech-language pathology assistant, a person  
6 shall provide to the board fingerprints and other information  
7 necessary for a criminal history record background check, as  
8 required by W.S. 7-19-201.

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10       **Section 2.** The professional teaching standards board  
11 shall, as a condition of continued certification pursuant to  
12 W.S. 21-2-802(e), establish a rolling schedule to conduct  
13 criminal history background checks on individuals holding a  
14 certification from the board on or before the effective date  
15 of this act. Background checks conducted by the board pursuant  
16 to this section shall be completed by July 1, 2024 and every  
17 tenth year subsequent to the date of a background check  
18 conducted under this section, consistent with W.S.  
19 21-2-802(e).

20

1           **Section 3.** This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law as  
3 provided by Article 4, Section 8 of the Wyoming Constitution.

4

5

(END)