

2018 Regular Session

HOUSE BILL NO. 638

BY REPRESENTATIVE HUNTER

SCHOOLS/EMPLOYEES: Provides relative to disclosure and reporting requirements for certain arrests and incidents with respect to employment in public schools

1 AN ACT

2 To amend and reenact R.S. 17:16(A) and (E), 81.9(J) and (K), and 430(A)(1)(introductory
3 paragraph), relative to disclosure and reporting requirements for certain arrests and
4 incidents with respect to employment in public schools; to remove obsolete time
5 lines relative to requirements for reporting and disclosing certain information; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:16(A) and (E), 81.9(J) and (K), and 430(A)(1)(introductory
9 paragraph) are hereby amended and reenacted to read as follows:

10 §16. Reporting of certain arrests; school employees; requirements; failure to report

11 A. ~~Effective January 1, 2012, and thereafter,~~ a A school employee shall
12 report his arrest for a violation of R.S. 14:42 through 43.5, 80 through 81.5, any
13 other sexual offense affecting minors, any of the crimes provided in R.S. 15:587.1,
14 or any justified complaint of child abuse or neglect on file in the central registry
15 pursuant to Article 615 of the Children's Code.

16 * * *

17 E. ~~Not later than October 1, 2011, the~~ The State Board of Elementary and
18 Secondary Education shall adopt rules, regulations, and procedures to be followed
19 by the governing authority of each public elementary and secondary school to

1 implement the provisions of this Section. Such rules, regulations, and procedures
2 shall be uniform and consistent with the provisions of this Section.

3 * * *

4 §81.9. School board policies; hiring procedures; statements; requirements

5 * * *

6 J. ~~By not later than September 1, 2006, the~~ The State Board of Elementary
7 and Secondary Education shall adopt rules and regulations to define "sexual
8 misconduct" for purposes of this Section and such rules and regulations shall be
9 applicable to all public school employees.

10 K. ~~By not later than November 1, 2006, each~~ Each city, parish, and other
11 local public school board shall develop and adopt policies as necessary for the
12 implementation of the provisions of this Section.

13 * * *

14 §430. Applicants for public school employment; disclosure requirements; penalties;
15 definitions

16 A.(1) Except as provided in Subsection C of this Section, each applicant for
17 public school employment shall be required to disclose the following information in
18 accordance with procedures adopted by the governing authority of the public
19 elementary or secondary school in which the applicant seeks employment:

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 638 Original 2018 Regular Session Hunter

Abstract: Provides relative to disclosure and reporting requirements for certain arrests and incidents with respect to employment in public schools.

Present law (R.S. 17:16) requires school employees to report arrests including those relative to sexual offenses, child abuse or neglect, and others within 24 hours of the arrest. Requires the employee to also report any legal proceedings related to the arrest and those are to be a part of any related files or records. Provides for suspension or dismissal for failure to report. Provides that unless criminal charges are instituted pursuant to the arrest, all information,

records, hearing materials, and final recommendations of the school pertaining to the reported arrest shall remain confidential and shall not be subject to a public records request.

Present law (R.S. 17:81.9) provides relative to disclosure requirements for applicants for school employment regarding instances of sexual misconduct with students and abuse and neglect of students committed by the applicant. Provides for such information to be provided by the applicant's current or previous employer (school board) to the hiring school board including all documents in the applicant's personnel file relative to such instances of sexual misconduct and abuse or neglect. Provides that a school board can require an applicant to provide any other information it deems necessary.

Present law (R.S. 17:430) requires applicants for school employment to disclose to the hiring school board all actual cases and investigations of sexual misconduct by the applicant with a minor or student and all actual or investigated cases of abuse or neglect by the applicant with a minor or student. Provides for penalties for violations of present law including monetary fines and imprisonment.

Proposed law removes obsolete time lines relative to requirements for reporting and disclosing certain information. Otherwise retains present law.

(Amends R.S. 17:16(A) and (E), 81.9(J) and (K), and 430(A)(1)(intro. para.))