

RÉSUMÉ DIGEST

ACT 634 (HB 796)

2018 Regular Session

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New law provides relative to the certification and employment in schools of certain persons convicted of felony offenses.

Existing law prohibits public school boards (including charter school governing authorities) and nonpublic schools and school systems from hiring a person who has been convicted of or has pled *nolo contendere* to a crime listed in existing law, R.S. 15:587.1(C), as a bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or permanent school employee. Requires local public school boards to dismiss any employee upon conviction or plea of *nolo contendere* of any such listed crime (with one exception). Prior law included teachers and substitute teachers in such hiring prohibition and dismissal requirement.

New law prohibits all public school boards and nonpublic schools from hiring a person as a teacher, substitute teacher, or administrator, hereafter referred to as "teacher", if the person has been convicted of or has pled *nolo contendere* to *any* felony offense even if adjudication was withheld or a pardon or expungement was granted. Further prohibits hiring any person as a teacher who has submitted fraudulent documentation to BESE or the state Dept. of Education as part of an application for a teaching certificate or other teaching authorization or who has been found to have facilitated cheating on any state assessment as determined by BESE. New law requires the dismissal of a teacher who has committed any of these offenses. New law generally retains existing law with respect to school employees who are not teachers.

Prior law allowed reemployment of a teacher or other school employee who was convicted of a crime listed in existing law, R.S. 15:587.1(C). New law prohibits such reemployment if the conviction is for a crime specified in R.S. 15:587.1(C).

New law allows a public school board and a nonpublic school to hire a person as a teacher who has been convicted of or has pled *nolo contendere* to a felony *not* listed in existing law (R.S. 15:587.1(C)), who has been found to have submitted fraudulent documentation to BESE or the state Dept. of Education as part of an application for a teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment if BESE approves a formal appeal request submitted by the person. New law authorizes BESE to issue a teaching certificate or other teaching authorization to such a person if five years have passed and the board has received an appeal from the person and letters of recommendation.

New law requires BESE to establish a process for issuing a teaching authorization to a person seeking employment in a public or nonpublic school. Requires that such process be limited to procedures for determining if a person has a criminal history, submitted fraudulent documentation related to the issuance of the teaching authorization, or has facilitated cheating on any state assessment administered to students. Requires that BESE notify the person of its intention to discuss the person's character, professional competence, or physical or mental health in an executive session and that the person may require that the board discuss such matters in an open meeting (in accordance with existing law regarding open meetings).

Existing law requires public school boards (including charter school governing authorities) to establish regulations, requirements, and procedures to determine whether an applicant or employee has been arrested for or convicted of or pled *nolo contendere* to any criminal offense. Provides relative to the submission of a person's fingerprints prior to employment.

Prior law provided that a person who had submitted his fingerprints could be temporarily hired pending a report. New law repeals prior law.

Existing law provides relative to requirements and procedures (including the submission of fingerprints) to determine whether an applicant for or the recipient of any certificate or license issued has been arrested for or convicted of or pled *nolo contendere* to any criminal offense. Prior law authorized BESE to establish such requirements and procedures. New law requires BESE to establish the requirements and procedures.

Existing law requires a teacher or other school employee upon his final conviction or plea of guilty or nolo contendere to a criminal offense to report such information to his employer within 48 hours and provides that a person who fails to report such information shall be fined not more than \$500 or imprisoned for not more than six months, with or without hard labor, or both. New law increases the penalties for violations by teachers relative to reporting convictions and pleas to a fine of not more than \$1,000 or imprisonment for not more than one year.

New law authorizes BESE to assess a civil fine against a school governing authority that knowingly employs a teacher in violation of new law and existing law. Provides that the fine amount is equal to the average state yearly compensation for a public school teacher, inclusive of salary and benefits. Provides the fine shall be levied only after a final judgement is rendered through an adjudication process pursuant to existing law. Requires the department to report instances of such assessments to the House and Senate education committees. Requires that the fines collected be deposited in the state treasury.

Existing law requires public school teachers, other than charter school teachers, to pass a specified examination as a prerequisite to state teacher certification.

New law allows a foreign language teacher in a Certified Foreign Language Immersion Program who cannot be certified or issued an authorization to teach through BESE's Foreign Associate Teacher Program to teach without passing the required examination, provided he has at least a baccalaureate degree and complies with state laws relative to background checks and review of criminal history.

Effective July 1, 2018.

(Amends R.S. 17:7(6)(a)(i) and (b)(i)(aa), 15, and 3991(E)(5); Adds R.S. 17:7(6)(h) and (i) and (10) and 3996(B)(45) and (46))