

2019 Regular Session

HOUSE BILL NO. 618 (Substitute for House Bill No. 167 by Representative Lance Harris)

BY REPRESENTATIVE LANCE HARRIS

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

SCHOOLS/EMPLOYEES: Revises requirements for certification, hiring, and dismissal of teachers and other school employees with respect to criminal history

1 AN ACT

2 To amend and reenact R.S. 17:7(6)(h)(introductory paragraph) and (10), 15(A)(1)(b)(i)(aa)

3 and (ii) and (2)(a)(i) and (c), (C), (F)(1), and (G), and 3991(E)(5)(a)(ii)(aa) and (iii)

4 and (b) and to enact R.S. 17:7(6)(h)(iii), relative to teachers and other school

5 employees; to revise requirements pertaining to criminal history with respect to the

6 certification, hiring, and dismissal of teachers and other school employees; to

7 provide for the powers, duties, and rules of the State Board of Elementary and

8 Secondary Education with respect to these processes; and to provide for related

9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:7(6)(h)(introductory paragraph) and (10), 15(A)(1)(b)(i)(aa) and

12 (ii) and (2)(a)(i) and (c), (C), (F)(1), and (G), and 3991(E)(5)(a)(ii)(aa) and (iii) and (b) are

13 hereby amended and reenacted and R.S. 17:7(6)(h)(iii) is hereby enacted to read as follows:

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

15 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and

16 responsibilities vested by any other applicable laws, the board shall:

17 * * *

18 (6)

19 * * *

1 (b)(i) Except as otherwise provided in this Subparagraph, a city, parish, or
2 other local public school board or a nonpublic school or school system shall not
3 knowingly hire a person as an administrator, teacher, or substitute teacher if the
4 person:

5 (aa) Has been convicted of or has pled nolo contendere to a ~~felony offense~~
6 crime listed in R.S. 15:587.1(C) even if adjudication was withheld or a pardon or
7 expungement was granted.

8 * * *

9 (ii) A city, parish, or other local public school board or a nonpublic school
10 or school system may hire a person as an administrator, teacher, or substitute teacher
11 who ~~has been convicted of or has pled nolo contendere to a felony not listed in R.S.~~
12 ~~15:587.1(C), who has been found to have submitted fraudulent documentation to the~~
13 ~~State Board of Elementary and Secondary Education or the state Department of~~
14 ~~Education as part of an application for a Louisiana teaching certificate or other~~
15 ~~teaching authorization, or who has been found to have facilitated cheating on any~~
16 ~~state assessment as determined by the board~~ is otherwise prohibited from being hired
17 pursuant to Item (i) of this Subparagraph if the State Board of Elementary and
18 Secondary Education approves a formal appeal request submitted by the person and
19 issues a teaching certificate or authorization as provided in R.S. 17:7(6)(h).

20 * * *

21 (2)(a) A city, parish, or other local public school board shall dismiss:
22 (i) An administrator, teacher, or substitute teacher upon the final conviction
23 of or submission of a plea of nolo contendere to any ~~felony offense~~, crime listed in
24 R.S. 15:587.1(C); however, if the person has obtained tenure, such dismissal shall
25 occur only after a hearing held pursuant to the provisions of Part II of Chapter 2 of
26 this Title.

27 * * *

28 (c) A city, parish, or other local public school board may reemploy an
29 administrator, teacher, or other school employee who has been dismissed for

1 conviction of a crime, except a crime ~~listed in R.S. 15:587.1(C)~~ of violence as
 2 defined in R.S. 14:2, pursuant to Subparagraph (a) of this Paragraph only upon
 3 written approval of ~~the~~ a district judge of the parish and the district attorney, or upon
 4 written documentation from the court in which the conviction occurred stating that
 5 the conviction has been reversed, set aside, or vacated. Any such statement of
 6 approval of the judge and the district attorney and any such written documentation
 7 from the court shall be kept on file at all times by the school and shall be produced
 8 upon request to any law enforcement officer. No later than thirty days after its being
 9 placed on file by the school, the school principal shall submit a copy of any such
 10 statement of approval or written documentation from the court to the state
 11 superintendent of education.

* * *

13 C. The State Board of Elementary and Secondary Education by rule adopted
 14 in accordance with the Administrative Procedure Act shall establish requirements
 15 and procedures consistent with the provisions of R.S. 15:587.1 ~~and the provisions for~~
 16 ~~all other felony offenses~~ for the state Department of Education to determine whether
 17 an applicant for or the recipient of any certificate, license, or other teaching
 18 authorization issued in accordance with state law or board policy by the department
 19 or the board and who might reasonably be expected to be placed in a position of
 20 supervisory or disciplinary authority over school children has been convicted of or
 21 pled nolo contendere to any criminal offense. Included in this rule shall be the
 22 requirement and the procedure for the submission of a person's fingerprints in a form
 23 acceptable to the Louisiana Bureau of Criminal Identification and Information.

* * *

25 F.(1) The State Board of Elementary and Secondary Education may assess
 26 a civil fine against a school governing authority, equal to the average state yearly
 27 compensation for a public school teacher, inclusive of salary and benefits, that
 28 knowingly employs a person without requesting the criminal records required by this
 29 Section or who knowingly hires a person who has been convicted of or pled nolo

law instead prohibits hiring for such positions anyone who has been convicted of or has pled nolo contendere to a crime listed in present law (R.S. 15:587.1(C)).

Present law allows hiring persons otherwise prohibited from being hired for certain positions if BESE approves a formal appeal request and issues a teaching certificate or authorization. Proposed law retains present law.

Authorized Reemployment/Exceptions

Present law authorizes a school board to reemploy an administrator, teacher, or other school employee who has been dismissed for conviction of a crime, except a crime listed in present law (R.S. 15:587.1(C)). Proposed law instead allows a school board to reemploy such a person except if the conviction is for a crime of violence as defined in present law (R.S. 14:2).

Required Dismissal

Present law requires the dismissal of an administrator, teacher, or substitute teacher upon final conviction of or plea of nolo contendere to any felony offense after a hearing held pursuant to present law. Proposed law instead requires dismissal for crimes listed in present law (R.S. 15:587.1(C)) and limits hearing requirement to those who have obtained tenure.

Student Removal from Class

Present law requires, upon parental request, a student to be removed from the class of any teacher who has a felony conviction. Proposed law instead applies this requirement to the class of any teacher who has a conviction for any offense listed in present law (R.S. 15:587.1(C)) except for one (R.S. 14:74—criminal neglect of family) but makes it conditional on there being another class of a suitable grade or subject available.

(Amends R.S. 17:7(6)(h)(intro. para.) and (10), 15(A)(1)(b)(i)(aa) and (ii) and (2)(a)(i) and (c), (C),(F)(1), and (G), and 3991(E)(5)(a)(ii)(aa) and (iii) and (b); Adds R.S. 17:7(6)(h)(iii))