
DIGEST

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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.))