

GREEN SHEET REDIGEST

HB 796

2018 Regular Session

Lance Harris

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

TEACHERS: Provides relative to the certification and employment in schools of certain persons convicted of felony offenses and the assessment of civil fines against public school boards who hire certain persons

DIGEST

Proposed law amends present law relative to the employment of administrators, teachers, and substitute teachers, hereafter in this digest referred to as "teachers", and generally retains present law with respect to school employees who are not teachers.

Present 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 present law, R.S. 15:587.1(C), as a teacher, substitute teacher, 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). Present law allows reemployment of a school employee whose conviction has been reversed, set aside, or vacated.

Proposed law prohibits all public school boards and nonpublic schools from hiring a person as a 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. Proposed law requires the dismissal of a teacher who has committed any of these offenses.

Proposed 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 present 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. Proposed 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.

Proposed law requires BESE to promulgate rules and regulations to establish a process for issuing a teaching authorization to a person seeking employment in a public or nonpublic school that does not require a La. teaching certificate. Requires that such rules and regulations 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. Provides that the rules and regulations also shall include a requirement 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 present law regarding open meetings).

Present 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. Proposed law retains present law.

Present law provides that a person who has submitted his fingerprints may be temporarily hired pending a report. Proposed law repeals present law.

Present law authorizes BESE to establish requirements and procedures (including the submission of fingerprints) for the state Dept. of Education 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. Proposed law *requires* BESE to establish such requirements and procedures.

Present law requires a 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. Proposed 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.

Proposed law authorizes BESE to assess a civil fine against a public school board that knowingly employs a teacher who has been convicted of or pled nolo contendere to any felony offense and whose application to teach was not approved by BESE or for whom criminal records were not requested by the school board. 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 state 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. Requires BESE to promulgate rules for implementation.

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

Proposed 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 3996(B)(45) and (46); repeals R.S. 17:15(A)(1)(c))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Authorize BESE to issue a teaching certificate or other teaching authorization to a person who has been found to have facilitated cheating on any state assessment if certain conditions are met and authorize employment of a teacher who has received a certificate or authorization under these conditions.
2. Limit to teachers the applicability of the proposed law penalty increases for failing to report a conviction.
3. Authorize the state Dept. of Education to assess a civil fine against a school board for employing a teacher in violation of present law and proposed law;

remove provision requiring the department to withhold MFP funds from such a school board.

The House Floor Amendments to the engrossed bill:

1. Require that BESE rules and regulations regarding teaching authorization include a requirement that the board 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 the board to discuss such matters in an open meeting.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the reengrossed bill

1. Provides for certain foreign language teachers to teach without participating in the Foreign Associate Teacher Program.
2. Requires five years to elapse prior to a teacher being able to request an appeal from BESE.
3. Provides that school administrators are subject to the law.
4. Provides BESE's issuance of teaching authorization is limited to assuring.
5. Limits BESE's authority to require teaching authorizations.
6. Repeals current law that allows nonpublic schools to determine if contractors with certain criminal history may be allowed on school grounds.
7. Provides that schools may not reemploy persons with criminal history listed in R.S. 15:587.1(C).
8. Provides civil fines shall be levied only if a school knowingly hires certain prohibited persons and only after a final judgement pursuant to an adjudication process.
9. Provides that at the request of a student's parent or legal guardian that a student shall be removed from the class of any teacher who has a felony conviction and place in another class.
10. Provides the authorization to teach requirements are applicable to charter schools.
11. Removes the repeal provisions for R.S. 17:3974.