
DIGEST

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HB 618 Engrossed

2019 Regular Session

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Abstract: Relative to criminal history, revises certain requirements for certification and employment of teachers and other school employees.

BESE Powers and Duties

Present law authorizes the State Bd. of Elementary and Secondary Education (BESE) to do the following with respect to teacher certification and employment:

- (1) Issue a teaching certificate or authorization to a person who has been convicted of or has pled nolo contendere to a felony offense *not* listed in present law (R.S. 15:587.1) if certain conditions apply. Proposed law revises present law to apply to those who have been convicted of or have pled nolo contendere to an offense that *is* listed in such present law or any felony offense and adds to the list of such conditions that the offense was not a crime of violence as defined in present law (R.S. 14:2).
- (2) Assess civil fines for hiring a person who has been convicted of or pled nolo contendere to any felony offense. Proposed law allows such fining for hiring such persons who have been convicted of or pled nolo contendere to any crime listed in present law (R.S. 15:587.1(C)) except one (R.S. 14:74—criminal neglect of family).

Prohibition Against Hiring/Exceptions

Present law prohibits the hiring of a person who has been convicted of or has pled nolo contendere to a felony offense as an administrator, teacher, or substitute teacher. Proposed 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 the 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))