

CONFERENCE COMMITTEE REPORT

HB 618

2019 Regular Session

Lance Harris

June 6, 2019

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 618 by Representative Lance Harris, recommend the following concerning the Engrossed bill:

1. That the set of Senate Floor Amendments by Senator Mizell (#3144) be rejected.
2. That the following amendments be adopted:

AMENDMENT NO. 1

On page 2, line 3, delete "or to any felony offense"

AMENDMENT NO. 2

On page 2, delete line 9 and insert the following:

"(iii) The offense is provided for in R.S. 40:966(A), 967(A), 968(A), 969(A), or 970(A). The board shall not grant a person who has been convicted of or has pled nolo contendere to any other offense listed in R.S. 15:587.1(C) a teaching certificate, a teaching authorization, or an appeal."

AMENDMENT NO. 3

On page 2, line 20, after "R.S. 15:587.1(C)" delete the remainder of the line and at the beginning of line 21, delete "offense." and insert a period "." and insert "The rules and regulations shall provide that the board shall not grant a teaching authorization to any person who has been convicted of or pled nolo contendere to any crime listed in R.S. 15:587.1(C) other than R.S. 40:966(A), 967(A), 968(A), 969(A), and 970(A)."

AMENDMENT NO. 4

On page 4, line 1, after "crime" delete the remainder of the line and at the beginning of line 2, delete "defined in R.S. 14:2," insert "listed in R.S. 15:587.1(C)₂"

AMENDMENT NO. 5

On page 5, at the end of line 1, delete "except R.S. 14:74,"

AMENDMENT NO. 6

On page 5, line 9, after "a" delete the remainder of the line and at the beginning of line 10, delete "any offense listed in R.S. 15:587.1(C), except R.S. 14:74," and insert "felony conviction"

AMENDMENT NO. 7

On page 6, after line 12, insert the following:

"Section 2. R.S. 17:15(A)(2)(a)(i) as amended by this Act shall not be applicable to a person who was employed as a public school administrator, teacher, or substitute teacher on or before the effective date of this Act and whose final conviction of or plea of nolo contendere to any crime provided for in that Item occurred prior to the effective date of this Act."

Respectfully submitted,

Representative Lance Harris

Senator Dan "Blade" Morrish

Representative Nancy Landry

Senator Beth Mizell

Representative Steve Carter

Senator Mack "Bodi" White, Jr.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 618

2019 Regular Session

Lance Harris

Keyword and oneliner of the instrument as it left the House

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

Report rejects Senate amendments which would have:

1. Prohibited the State Bd. of Elementary and Secondary Education (BESE) from granting a teaching certificate, authorization, or appeal to anyone who has been convicted of or has pled nolo contendere to any crime listed in present law (R.S. 15:587.1(C)) (no exceptions).

Report amends the bill to:

1. Prohibit BESE from granting a teaching certification, authorization, or appeal to anyone who has been convicted or has pled nolo contendere to any crime listed in present law (R.S. 15:587.1(C)) except for certain drug offenses.
2. Apply a uniform set of criminal history criteria to provisions pertaining to certification and authorization, hiring, reemployment, and dismissal provisions for teachers and other school employees.
3. Provide that dismissal requirements as provided by proposed law shall be prospective.

Digest of the bill as proposed by the Conference Committee**BESE Powers and Duties**

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

- (1) Authorizes BESE to 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(C)) 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 but *only* if it is one of certain specified drug offenses listed in such present law. Proposed law explicitly prohibits the board from granting a teaching certificate or authorization (or appeal) to those who have been convicted of or have pled nolo contendere to any other crimes listed in such present law.
- (2) Authorizes BESE to assess civil fines for hiring a person who has been convicted of or pled nolo contendere to any felony offense. Proposed law instead 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)).

- (3) Requires BESE to establish a process for issuing a teaching authorization to a person seeking employment as an administrator, teacher, or substitute teacher, including procedures for determining if he has been convicted or pled nolo contendere to a felony offense. Proposed law changes "felony offense" to "crime listed in R.S. 15:587.1(C)" and explicitly prohibits BESE from granting a teaching authorization to any person who has been convicted of or pled nolo contendere to any crime listed in present law (R.S. 15:587.1(C) other than certain drug offenses).

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. (Proposed law relative to this process prohibits BESE from granting certification or authorization to anyone who has been convicted of or pled nolo contendere to a crime listed in present law (R.S. 15:587.1(C) except for certain drug offenses.)

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 under certain circumstances except if the crime is listed in present law (R.S. 15:587.1(C)). Proposed law retains present law.

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 a crime listed in present law (R.S. 15:587.1(C)) and limits the hearing requirement to those who have obtained tenure. Proposed law also provides that this dismissal requirement is not applicable to such a person employed on or before the effective date of proposed law whose conviction or plea occurred prior to the effective date of proposed law.

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 retains present law 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))