

RÉSUMÉ DIGEST

Act 387 (HB 618)

2019 Regular Session

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BESE Powers and Duties

Existing law provides relative to the State Bd. of Elementary and Secondary Education (BESE) and teacher certification, authorization, and employment with respect to persons with criminal histories.

Existing law authorizes BESE to issue a teaching certificate or authorization to a person who has been convicted of or has pled nolo contendere to certain criminal offenses. Prior law allowed this for any felony offense except offenses listed in existing law (R.S. 15:587.1(C)). New law allows a teaching certificate or authorization for persons with certain specified drug offenses. New law explicitly prohibits BESE from granting a teaching certificate or authorization (or appeal) to those who have been convicted of or have pled nolo contendere to any other crime, other than those specified drug offenses, listed in such existing law.

Existing law allows BESE to assess civil fines against a school governing authority that hires a person who has been convicted of or pled nolo contendere to certain offenses. Prior law allowed this for hiring those with felony offenses. New law allows this for hiring those with any crime listed in existing law (R.S. 15:587.1(C)).

Prohibition Against Hiring/Exceptions

Existing law prohibits hiring a person as an administrator, teacher, or substitute teacher who has been convicted of or has pled nolo contendere to certain offenses. Prior law prohibited this for a felony offense. New law prohibits this for a crime listed in existing law (R.S. 15:587.1(C)).

Existing 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. (New law relative to this process, as noted above, prohibits BESE from granting certification or authorization to anyone who has been convicted of or pled nolo contendere to a crime listed in existing law (R.S. 15:587.1(C)) other than certain drug offenses listed therein.)

Required Dismissal

Existing law requires the dismissal of administrators, teachers, and substitute teachers upon final conviction of or plea of nolo contendere to certain offenses after a hearing. Prior law required this for any felony offense. New law requires this for a crime listed in existing law (R.S. 15:587.1(C)) and limits the hearing requirement to those who have obtained tenure. New law also provides that the dismissal requirement is not applicable to such a person who was employed on or before the effective date of new law and whose conviction or plea occurred prior to the effective date of new law.

Student Removal from Class

Existing law requires, upon parental request, a student to be removed from the class of any teacher who has a felony conviction. New law makes this requirement conditional on there being another class of a suitable grade or subject available.

Authorized Reemployment/Exceptions

Existing 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 existing law (R.S. 15:587.1(C)).

Effective August 1, 2019.

(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))

