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## DIGEST

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HB 167 Original

2019 Regular Session

Lance Harris

**Abstract:** Relative to criminal history, applies certain requirements for certification and employment of teachers and other school employees only to those who have been convicted of certain offenses instead of those who have been either convicted or pled nolo contendere to such offenses.

### **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, including the passage of five years from the date of the conviction or plea. Proposed law limits applicability of present law only to those who have been convicted.
- (2) Assess civil fines for hiring persons who have been convicted or have pled nolo contendere to any felony offense. Proposed law limits this fining authority to the hiring of those convicted and includes offenses listed in present law (R.S. 15:587.1(C)) except one (R.S. 14:74 – criminal neglect of family).

Present law requires BESE to provide for the following:

- (1) Authorization of a person as an administrator, teacher, or substitute teacher, including procedures for determining if he has been convicted or has pled nolo contendere to a felony offense. Proposed law limits present law to those convicted and adds offenses listed in present law (R.S. 15:587(C)) to those relative to which such procedures shall apply.
- (2) Requirements and procedures for determining if a person has been convicted of or pled nolo contendere to certain offenses. Proposed law limits present law to convictions.

### **Prohibition against hiring / exceptions**

Present law prohibits the hiring of a person who has been convicted of or has pled nolo contendere to:

- (1) A crime listed in present law (R.S. 15:587.1(C)) as a bus operator, substitute bus operator,

or janitor or as a temporary, part-time, or permanent school employee of any kind. Proposed law limits this hiring prohibition to those convicted.

- (2) A felony offense as an administrator, teacher, or substitute teacher. Proposed law limits this hiring prohibition to those convicted.

Present law provides an exception to the prohibitions above and allows hiring, for certain positions, a person who has been convicted of or has pled nolo contendere to a felony not listed in present law (R.S. 15:587.1(C)) if BESE approves a formal appeal request and issues a teaching certificate or authorization. Proposed law limits present law to those convicted.

### **Reporting**

Present law requires school employees, upon final conviction or plea of guilty or nolo contendere to any criminal offense (except traffic offenses), to report to employer within 48 hours and provides penalties for failure to report. Proposed law limits present law reporting requirements to convictions.

### **Required dismissal**

Present law requires the dismissal of the following:

- (1) 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.
- (2) Any other school employee who is convicted of or pleads nolo contendere to a crime listed in present law (R.S. 15:587.1(C)) except for one (R.S. 14:74 – criminal neglect of family).

Proposed law limits such dismissal requirements to those convicted.

### **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 also applies this requirement to 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).

(Amends R.S. 17:7(6)(h)(intro. para.) and (i) and (10), 15(A)(1)(a) and (b)(i)(aa) and (ii) and (2)(a)(i) and (iv) and (c), (C), (E), (F)(1), and (G), and 3991(E)(5)(a)(i), (ii)(aa), and (iii) and (b))