
DIGEST

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HB 796 Original

2018 Regular Session

Lance Harris

Abstract: Prohibits public and nonpublic schools from hiring persons as teachers who have been convicted of felony offenses, have submitted certain fraudulent documentation, or have facilitated cheating on state assessments. Provides exceptions. Authorizes the State Bd. of Elementary and Secondary Education (BESE) to issue teaching certificates and other teaching authorizations to such persons under certain circumstances and provides for the withholding of minimum foundation program (MFP) funds to public school boards who hire certain persons.

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 teacher upon the final conviction of such teacher or the teacher's plea of nolo contendere of any such listed crime (with one exception) after a hearing held pursuant to present law. Also requires the dismissal of any other school employee if such employee is convicted of or pleads nolo contendere to any such crime.

Present law allows reemployment of a teacher or other school employee who has been convicted of any such crime if approved in writing by district judge of the parish and the district attorney or upon written documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated.

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. Provides that a person who has submitted his fingerprints to the La. Bureau of Criminal Identification and Information may be temporarily hired pending the report from the bureau.

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.

Present law requires teachers and other school employees 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 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 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 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 permits a 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 crime *not* listed in present law (R.S. 15:587.1(C)) or 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 if BESE approves a formal appeal request submitted by the person.

Proposed law allows the state Dept. of Education to withhold from a city, parish, or other local public school board's MFP allocation an amount equal to the total average yearly compensation for a public school teacher, inclusive of salary and benefits, of any person employed by the school board who has been convicted of or pled nolo contendere to any felony offense whose application to teach was not approved by BESE or for whom criminal records were not requested by the school board. Requires the department to report such instances of withholding to the House and Senate education committees and to continue such withholding until the person is dismissed, approval has been granted by BESE, or the criminal records review has been completed.

Proposed law deletes present law that permits the temporary hiring of a person who has submitted his fingerprints to the La. Bureau of Criminal Identification and Information.

Proposed law *requires* instead of authorizes BESE to establish requirements and procedures to determine whether a person has been arrested for or convicted of or pled nolo contendere to any criminal offense.

Proposed law increases the penalties for violations relative to reporting convictions and pleas to a fine of not more than \$1000 or imprisoned for not more than one year.

Proposed law authorizes BESE to issue a teaching certificate or other teaching authorization to a person who has been convicted of or has pled nolo contendere to a felony offense *not* listed in present law or has been found to have submitted fraudulent documentation to the board or the state Dept. of Education as part of an application for a teaching certificate or other teaching authorization after three years if certain conditions apply.

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 for the employment of a teacher or a substitute teacher. Requires that such rules and regulations include procedures for determining if a person has submitted fraudulent documentation to the board or the state Dept. of Education related to the issuance of the teaching authorization or has facilitated cheating on any state assessment administered to students.

Effective July 1, 2018.

(Amends R.S. 17:7(6)(a)(i), 15, and 3991(E)(5); Adds R.S. 17:7(6)(h) and (i) and 3996(B)(45); Repeals R.S. 17:3974)