DIGEST

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Armes HB No. 103

Abstract: Authorizes a school board to employ a member of the immediate family of a board member or of the superintendent as a special education related services professional, subject to certain procedures and limitations.

Present law (ethics code – R.S. 42:1119), relative to nepotism, prohibits employment of a member of the immediate family of a member of a governing authority or the chief executive of a governmental entity by the governmental entity. Ethics code definitions would include a school board as a governing authority of a governmental entity and a superintendent of schools as a chief executive of a governmental entity. However, present law further authorizes a local school board to employ any member of the immediate family of any school board member or of the superintendent as a classroom teacher provided that such family member is certified to teach. Requires that a school board member or superintendent whose immediate family member is employed by the school board recuse himself from any decision involving the promotion or assignment of teaching location of such employee. Present law includes other specific exceptions for employment and promotion by school boards.

Proposed law retains present law and additionally authorizes a school board to employ a member of the immediate family of a board member or of the superintendent as a special education related services professional provided that such family member is licensed in an appropriate field for special education related services. Specifies that a special education related services professional includes an occupational therapist, physical therapist, speech therapist/pathologist, hearing impaired teacher, visually impaired teacher, or nurse when employed to provide special education services. Requires a school board member or superintendent whose immediate family member is employed by the school board to recuse himself from any decision involving the promotion or assignment of services location of such employee.

Present law also requires, within 30 days after the beginning of each school year, a school board member or superintendent whose immediate family member is employed by the school board to file a disclosure statement with the Board of Ethics stating the facts of such employment. Provides that a person who fails to timely file such statement may be assessed a late fee of $50 per day, not to exceed $1,500, subject to ethics board rules for waiver of late filing fees for good cause shown. Further provides that a willful violation subjects the agency head, member of the governing authority (school board in this case), the public employee having authority to hire and fire the employee, the immediate supervisor of the employee, whether or not such persons are immediate family members of the employee, and such employee, to disciplinary action and penalties provided by the ethics code.

Proposed law retains present law and makes it applicable to employment of special education related services professionals.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1119(B)(2)(a)(i))