Regular Session, 2011

HOUSE BILL NO. 103

BY REPRESENTATIVE ARMES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ETHICS/NEPOTISM: Permits local school boards to employ certain family members who are "special education related services professionals"

AN ACT

To amend and reenact R.S. 42:1119(B)(2)(a)(i), relative to the Code of Governmental Ethics; to except employment by a local school board of special education related services professionals from the nepotism prohibition of the code; to provide limitations, procedures, and penalties for certain violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1119(B)(2)(a)(i) is hereby amended and reenacted to read as follows:

§1119. Nepotism

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B.

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(2) Notwithstanding the provisions of Paragraph (B)(1):

(a)(i) Any local school board may employ any member of the immediate family of any board member or of the superintendent as a classroom teacher provided that such family member is certified to teach. Any local school board may employ any member of the immediate family of any 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

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services. A special education related services professional shall include a social worker, occupational therapist, physical therapist, speech therapist/pathologist, teacher of hearing impaired students, teacher of visually impaired students, or nurse when employed to provide special education services. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of teaching or service location of such employee.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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)]

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 a social worker, occupational therapist, physical therapist, speech therapist/pathologist, teacher of hearing impaired students, teacher of

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visually impaired students, 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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Adds social workers to the list of special education related services professionals covered pursuant to proposed law.

2. Makes technical changes.

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