

Regular Session, 2011

HOUSE BILL NO. 311

BY REPRESENTATIVE LABRUZZO

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

SCHOOLS/EMPLOYEES: Requires a public school employee to report his arrest for various offenses to his employer

1 AN ACT

2 To enact R.S. 17:16 and 3996(B)(28), relative to public school employees; to require a
3 school employee to report his arrest for certain sexual offenses involving minors,
4 other crimes, and instances of child abuse or neglect; to provide relative to
5 guidelines, procedures, and time lines for such reporting; to provide relative to
6 administration; to provide definitions; to provide applicability; to provide relative to
7 the failure of the employee to report; to provide effectiveness; to provide an effective
8 date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:16 and 3996(B)(28) are hereby enacted to read as follows:

11 §16. Reporting of certain arrests; school employees; requirements; failure to report

12 A. Effective January 1, 2012, and thereafter, a school employee shall report
13 his arrest for a violation of R.S. 14:42 through 43.5, 80 through 81.5, any other
14 sexual offense affecting minors, any of the crimes provided in R.S. 15:587.1, or any
15 justified complaint of child abuse or neglect on file in the central registry pursuant
16 to Article 615 of the Children's Code.

17 B. The report required by Subsection A of this Section shall be made by the
18 school employee to a person or persons as specified by the governing authority of the
19 school in rules and regulations required by this Section. Such report shall be made

1 within twenty-four hours of the arrest. However, if the school employee is arrested
2 on a Saturday, Sunday, or a legally declared school holiday such report shall be made
3 prior to the school employee next reporting for his work assignment at a school.
4 Such report shall be made by the school employee or an agent of the employee
5 regardless of whether he was performing an official duty or responsibility as a school
6 employee at the time of the offense.

7 C. The provisions of this Section shall apply to an arrest occurring after
8 December 31, 2011, for a violation as specified in Subsection A of this Section.

9 D.(1) A school employee who fails to comply with the provisions of this
10 Section shall be suspended with or without pay by the governing authority
11 employing the employee if such employee is serving a probationary term of
12 employment or if the provisions of law relative to probation and tenure are not
13 applicable to the employee.

14 (2) Notwithstanding any provision of law to the contrary, a school employee
15 employed by a city, parish, or other local public school board who is a tenured
16 employee of the board shall be subject to removal under R.S. 17:45, 443, 462, 493,
17 523, or 533, as applicable, for failure to comply with the provisions of this Section.
18 Written and signed charges alleging such failure shall be brought against the
19 employee.

20 E. The governing authority of each public elementary or secondary school,
21 by not later than October 1, 2011, shall adopt rules, regulations, and procedures
22 necessary to administer the provisions of this Section. Such rules, regulations, and
23 procedures shall be consistent with the provisions of this Section.

24 F. For the purposes of this Section, "school employee" means any employee
25 of a city, parish, or other local public school board or other governing authority of
26 a public elementary or secondary school, including a teacher, substitute teacher, bus
27 driver, substitute bus driver, or janitor, and shall include all temporary, part-time, and
28 permanent school employees.

29 * * *

1 §3996. Charter schools; exemptions

2 * * *

3 B. Notwithstanding any state law, rule, or regulation to the contrary and
4 except as may be otherwise specifically provided for in an approved charter, a
5 charter school established and operated in accordance with the provisions of this
6 Chapter and its approved charter and the school's officers and employees shall be
7 exempt from all statutory mandates or other statutory requirements that are
8 applicable to public schools and to public school officers and employees except for
9 the following laws otherwise applicable to public schools with the same grades:

10 * * *

11 (28) Reporting by a school employee employed by the governing authority
12 of a public elementary or secondary school of his arrest for one or more of the
13 specified offenses relative to sexual morality affecting minors, R.S. 17:16, any of the
14 crimes provided in R.S. 15:587.1, or any justified complaint of child abuse or neglect
15 on file in the central registry pursuant to Article 615 of the Children's Code.

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 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)]

LaBruzzo

HB No. 311

Abstract: Requires a public school employee to report his arrest for certain sexual offenses involving minors, other specified crimes, or any justified complaint of child abuse or neglect on file pursuant to certain provisions of the Children's Code. Also provides relative to the failure of the employee to so report.

Proposed law requires a public school employee to report his arrest for a violation of R.S. 14:42-43.5, 80-81.5, any other sexual offense affecting minors, any of the crimes provided

in R.S. 17:587.1, or any justified complaint of child abuse or neglect on file in the central registry pursuant to Article 615 of the Children's Code. Specifies that proposed law shall apply to an arrest occurring after Dec. 31, 2011.

Provides that the employee shall make the report to a person or persons as specified by the governing authority of the school. Requires that the report be made within 24 hours of the arrest. However, provides that if the arrest is on a Saturday, Sunday, or a school holiday, the report must be made prior to the school employee next reporting for his work assignment at a school. Provides that the report shall be made by the employee (or an agent of the employee) regardless of whether the employee was performing an official duty or responsibility as a school employee at the time of the offense.

Provides that a school employee who fails to comply with the provisions of proposed law shall be suspended with or without pay if such employee is serving a probationary term of employment or if the provisions of law relative to probation and tenure are not applicable to the employee.

Provides that a school employee of a local school board who is tenured shall be subject to removal as provided by present law (R.S. 17:45, 443, 462, 493, 523, or 533, all relative to removal procedures for certain public school employees), as applicable, for failure to comply with the provisions of proposed law. Requires that written and signed charges alleging such failure be brought against the employee.

Requires the governing authority of a public elementary or secondary school (including a charter school), by not later than Oct. 1, 2011, to adopt rules, regulations, and procedures necessary to administer the provisions of proposed law. Specifies that such rules, regulations, and procedures shall be consistent with proposed law.

For proposed law purposes, defines "school employee" as any employee of a city, parish, or other local public school board or other governing authority of a public elementary or secondary school, including a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, and shall include all temporary, part-time, and permanent school employees.

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

(Adds R.S. 17:16 and 3996(B)(28))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Relative to violations for which an employee must report his arrest, changes proposed law to delete any offense affecting sexual morality and adds any crime provided in R.S. 15:587.1 or any justified complaint of child abuse or neglect on file in a central registry maintained pursuant to certain requirements in the Children's Code.
2. Changes proposed law to require the report within 24 hours of the arrest while permitting, under specified circumstances, the report to be made prior to the employee next reporting for work rather than requiring the report to be made within 24 hours of the arrest or prior to the employee next reporting for work, whichever time period of shorter.
3. Authorizes an agent of the employee to make the report.
4. Relative to a failure to report, changes proposed law to provide that a probationary employee or employee not covered by tenure law shall be suspended with or without pay rather than terminated.