
DIGEST

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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.