

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

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

DIGEST

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. Further provides that the school employee shall additionally report the disposition of any legal proceedings related to such an arrest which shall also be made a part of any related files or records.

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 BESE, by not later than Oct. 1, 2011, to adopt rules, regulations, and procedures to be followed by the governing authority of each public elementary and secondary school to implement the provisions of proposed law. Specifies that such rules, regulations, and procedures shall be uniform and consistent with proposed law.

Provides that notwithstanding any provision of law, unless criminal proceedings are instituted pursuant to an arrest for which reporting is required pursuant to proposed law, all information, records, hearing materials, and final recommendations of the school pertaining to a reported arrest shall remain confidential and shall not be subject to a public records request.

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 is 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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the reengrossed bill.

1. Requires a school employee to additionally report the disposition of any legal proceedings related to a reported arrest which shall be included in related files or records.
2. Deletes requirement that school governing authorities adopt rules for implementation and instead requires BESE to adopt uniform, consistent rules, regulations, and procedures to be used by school governing authorities to implement proposed law.
3. Provides that unless criminal charges are instituted, all information, records, materials, and final recommendations related to a reported arrest shall remain confidential and are not subject to a public records request.