HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 103 by Representative Armes

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

Synopsis of Senate Amendments

1. Adds requirement that the family member must be the only applicant who meets position qualifications after advertisement for at least 30 days in the school board's official journal.

Digest of Bill as Finally Passed by Senate

Abstract: Authorizes certain school boards 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 in a parish having a population of fewer than 60,000 according to the latest federal decennial census 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 and is the only applicant who meets the qualifications for the position after it has been advertised for at least 30 days in the official journal of the school board. 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 visually impaired students, or nurse when any of them is 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))