

Regular Session, 2011

HOUSE BILL NO. 311

BY REPRESENTATIVE LABRUZZO AND SENATOR QUINN

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

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

B.(1) The report required by Subsection A of this Section shall be made by the school employee to a person or persons as specified by the governing authority of the school in rules and regulations required by this Section. Such report shall be

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

7 (2) In addition, the school employee shall report the disposition of any legal
8 proceedings related to any such arrest, which shall also be made a part of any related
9 files or records.

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

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

17 (2) Notwithstanding any provision of law to the contrary, a school employee
18 employed by a city, parish, or other local public school board who is a tenured
19 employee of the board shall be subject to removal under R.S. 17:45, 443, 462, 493,
20 523, or 533, as applicable, for failure to comply with the provisions of this Section.
21 Written and signed charges alleging such failure shall be brought against the
22 employee.

23 E. Not later than October 1, 2011, the State Board of Elementary and
24 Secondary Education shall adopt rules, regulations, and procedures to be followed
25 by the governing authority of each public elementary and secondary school to
26 implement the provisions of this Section. Such rules, regulations, and procedures
27 shall be uniform and consistent with the provisions of this Section.

F. Notwithstanding any provision of law to the contrary, unless criminal charges are instituted pursuant to an arrest which is required to be reported by this Section, all information, records, hearing materials, and final recommendations of the school pertaining to such reported arrest shall remain confidential and shall not be subject to a public records request.

G. For the purposes of this Section, "school employee" means 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.

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§3996. Charter schools; exemptions

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

* * *

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

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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

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____