Armes (HB 103) **Act No. 167**

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, as follows:

Existing law (ethics code – R.S. 42:1119), relative to nepotism, prohibits employment of an immediate family member of a member of the governing authority or the chief executive of a governmental entity by the governmental entity. Ethics code definitions include a school board as a governing authority and a superintendent of schools as a chief executive of a governmental entity. However, existing law further authorizes a local school board to employ any member of the immediate family of a school board member or of the superintendent as a classroom teacher provided 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. Existing law includes other specific exceptions for employment and promotion by school boards.

New law additionally authorizes a school board in a parish having a population of fewer than 60,000 to employ a member of the immediate family of a board member or of the superintendent as a special education related services professional if 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 school board's official journal. 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.

Existing law also requires a school board member or superintendent whose immediate family member is employed by a school board to file a disclosure statement with the Board of Ethics, within 30 days after the beginning of each school year, 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. Existing law also 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.

New law makes existing law applicable to employment of special education related services professionals.

Effective upon signature of governor (June 24, 2011).

(Amends R.S. 42:1119(B)(2)(intro. para.) and (a)(i))