

2019 Regular Session

ACT No. 387

HOUSE BILL NO. 618 (Substitute for House Bill No. 167 by Representative Lance Harris)

BY REPRESENTATIVE LANCE HARRIS

1 AN ACT

2 To amend and reenact R.S. 17:7(6)(h)(introductory paragraph) and (10), 15(A)(1)(b)(i)(aa)
3 and (ii) and (2)(a)(i) and (c), (C), (F)(1), and (G), and 3991(E)(5)(a)(ii)(aa) and (iii)
4 and (b) and to enact R.S. 17:7(6)(h)(iii), relative to teachers and other school
5 employees; to revise requirements pertaining to criminal history with respect to the
6 certification, hiring, and dismissal of teachers and other school employees; to
7 provide for the powers, duties, and rules of the State Board of Elementary and
8 Secondary Education with respect to these processes; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:7(6)(h)(introductory paragraph) and (10), 15(A)(1)(b)(i)(aa) and
12 (ii) and (2)(a)(i) and (c), (C), (F)(1), and (G), and 3991(E)(5)(a)(ii)(aa) and (iii) and (b) are
13 hereby amended and reenacted and R.S. 17:7(6)(h)(iii) is hereby enacted to read as follows:

14 §7. Duties, functions, and responsibilities of board

15 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and
16 responsibilities vested by any other applicable laws, the board shall:

17 * * *

18 (6)

19 * * *

20 (h) The board may issue a teaching certificate or other teaching authorization
21 to a person who has been convicted of or has pled nolo contendere to ~~a felony~~ an
22 offense ~~not~~ listed in R.S. 15:587.1(C), who has been found to have submitted
23 fraudulent documentation to the board or the state Department of Education as part
24 of an application for a teaching certificate or other teaching authorization, or who has

1 been found to have facilitated cheating on any state assessment as determined by the
 2 board if all of the following conditions apply:

3 * * *

4 (iii) The offense is provided for in R.S. 40:966(A), 967(A), 968(A), 969(A),
 5 or 970(A). The board shall not grant a person who has been convicted of or has pled
 6 nolo contendere to any other offense listed in R.S. 15:587.1(C) a teaching certificate,
 7 a teaching authorization, or an appeal.

8 * * *

9 (10) The board shall promulgate rules and regulations in accordance with the
 10 Administrative Procedure Act to establish a process for issuing a teaching
 11 authorization to a person seeking employment as an administrator, teacher, or
 12 substitute teacher in any school, including a public or nonpublic school that does not
 13 require a Louisiana teaching certificate for the employment of a teacher. Such rules
 14 and regulations shall be limited to procedures for determining if a person has
 15 submitted fraudulent documentation to the board or the state Department of
 16 Education related to the issuance of the teaching authorization or has facilitated
 17 cheating on any state assessment administered to students, or has been convicted of
 18 or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) ~~felony offense~~.
 19 The rules and regulations shall provide that the board shall not grant a teaching
 20 authorization to any person who has been convicted of or pled nolo contendere to
 21 any crime listed in R.S. 15:587.1(C) other than R.S. 40:966(A), 967(A), 968(A),
 22 969(A), and 970(A). The rules and regulations also shall include a requirement that
 23 the board, in accordance with R.S. 42:17(A)(1), notify the person of its intention to
 24 discuss the person's character, professional competence, or physical or mental health
 25 in an executive session and of the person's option to require that the board discuss
 26 such matters in an open meeting.

27 * * *

28 §15. Criminal history review

29 A.(1)

30 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (b)(i) Except as otherwise provided in this Subparagraph, a city, parish, or
2 other local public school board or a nonpublic school or school system shall not
3 knowingly hire a person as an administrator, teacher, or substitute teacher if the
4 person:

5 (aa) Has been convicted of or has pled nolo contendere to a ~~felony offense~~
6 crime listed in R.S. 15:587.1(C) even if adjudication was withheld or a pardon or
7 expungement was granted.

8 * * *

9 (ii) A city, parish, or other local public school board or a nonpublic school
10 or school system may hire a person as an administrator, teacher, or substitute teacher
11 who ~~has been convicted of or has pled nolo contendere to a felony not listed in R.S.~~
12 ~~15:587.1(C), who has been found to have submitted fraudulent documentation to the~~
13 ~~State Board of Elementary and Secondary Education or the state Department of~~
14 ~~Education as part of an application for a Louisiana teaching certificate or other~~
15 ~~teaching authorization, or who has been found to have facilitated cheating on any~~
16 ~~state assessment as determined by the board~~ is otherwise prohibited from being hired
17 pursuant to Item (i) of this Subparagraph if the State Board of Elementary and
18 Secondary Education approves a formal appeal request submitted by the person and
19 issues a teaching certificate or authorization as provided in R.S. 17:7(6)(h).

20 * * *

21 (2)(a) A city, parish, or other local public school board shall dismiss:
22 (i) An administrator, teacher, or substitute teacher upon the final conviction
23 of or submission of a plea of nolo contendere to any ~~felony offense~~; crime listed in
24 R.S. 15:587.1(C); however, if the person has obtained tenure, such dismissal shall
25 occur only after a hearing held pursuant to the provisions of Part II of Chapter 2 of
26 this Title.

27 * * *

28 (c) A city, parish, or other local public school board may reemploy an
29 administrator, teacher, or other school employee who has been dismissed for
30 conviction of a crime, except a crime listed in R.S. 15:587.1(C), pursuant to

1 Subparagraph (a) of this Paragraph only upon written approval of ~~the~~ a district judge
 2 of the parish and the district attorney, or upon written documentation from the court
 3 in which the conviction occurred stating that the conviction has been reversed, set
 4 aside, or vacated. Any such statement of approval of the judge and the district
 5 attorney and any such written documentation from the court shall be kept on file at
 6 all times by the school and shall be produced upon request to any law enforcement
 7 officer. No later than thirty days after its being placed on file by the school, the
 8 school principal shall submit a copy of any such statement of approval or written
 9 documentation from the court to the state superintendent of education.

* * *

11 C. The State Board of Elementary and Secondary Education by rule adopted
 12 in accordance with the Administrative Procedure Act shall establish requirements
 13 and procedures consistent with the provisions of R.S. 15:587.1 ~~and the provisions for~~
 14 ~~all other felony offenses~~ for the state Department of Education to determine whether
 15 an applicant for or the recipient of any certificate, license, or other teaching
 16 authorization issued in accordance with state law or board policy by the department
 17 or the board and who might reasonably be expected to be placed in a position of
 18 supervisory or disciplinary authority over school children has been convicted of or
 19 pled nolo contendere to any criminal offense. Included in this rule shall be the
 20 requirement and the procedure for the submission of a person's fingerprints in a form
 21 acceptable to the Louisiana Bureau of Criminal Identification and Information.

* * *

23 F.(1) The State Board of Elementary and Secondary Education may assess
 24 a civil fine against a school governing authority, equal to the average state yearly
 25 compensation for a public school teacher, inclusive of salary and benefits, that
 26 knowingly employs a person without requesting the criminal records required by this
 27 Section or who knowingly hires a person who has been convicted of or pled nolo
 28 contendere to any ~~felony offense~~ crime listed in R.S. 15:587.1(C), and who the State
 29 Board of Elementary and Secondary Education has not provided a teaching
 30 authorization pursuant to the provisions of R.S. 17:7(10) or who has not completed

1 the formal appeal process required by the state board and been granted a new
2 teaching certificate or other teaching authorization as provided in R.S. 17:7(6)(h).

3 * * *

4 G. At the request of his parent or legal guardian, a student shall be removed
5 from the class of any teacher who has a felony conviction and placed in another class
6 if there is another class of a suitable grade or subject available.

7 * * *

8 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation;
9 board membership

10 * * *

11 E. A charter school shall not:

12 * * *

13 (5)(a) Hire a person:

14 * * *

15 (ii) As an administrator, teacher, or substitute teacher if any of the following
16 apply to the person:

17 (aa) Has been convicted of or has pled nolo contendere to ~~any other felony~~
18 ~~offense~~ a crime listed in R.S. 15:587.1(C) even if adjudication was withheld or a
19 pardon or expungement was granted.

20 * * *

21 (iii) Notwithstanding any other provision of law, a charter school may hire
22 a person as a teacher or substitute teacher who ~~has been convicted of or has pled nolo~~
23 ~~contendere to a felony not listed in R.S. 15:587.1(C) or who has been found to have~~
24 ~~submitted fraudulent documentation to the state board or the state Department of~~
25 ~~Education as part of an application for a Louisiana teaching certificate or other~~
26 ~~teaching authorization~~ is otherwise prohibited from being hired if the state board
27 approves a formal appeal request submitted by the person and issues a teaching
28 certificate or authorization as provided in R.S. 17:7(6)(h).

29 (b) The state board shall establish regulations, requirements, and procedures
30 consistent with the provisions of R.S. 15:587.1 under which the school governing

1 authority shall determine whether an applicant or employee has been convicted of
 2 or pled nolo contendere to any ~~felony~~ criminal offense. Included in these regulations
 3 shall be the requirement and the procedure for the submission of a person's
 4 fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification
 5 and Information prior to employment of such person.

6 * * *

7 Section 2. R.S. 17:15(A)(2)(a)(i) as amended by this Act shall not be applicable to
 8 a person who was employed as a public school administrator, teacher, or substitute teacher
 9 on or before the effective date of this Act and whose final conviction of or plea of nolo
 10 contendere to any crime provided for in that Item occurred prior to the effective date of this
 11 Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____