



1 (6)

2 \* \* \*

3 (h) The board may issue a teaching certificate or other teaching authorization  
4 to a person who has been convicted of ~~or has pled nolo contendere~~ to a felony  
5 offense not listed in R.S. 15:587.1(C), who has been found to have submitted  
6 fraudulent documentation to the board or the state Department of Education as part  
7 of an application for a teaching certificate or other teaching authorization, or who has  
8 been found to have facilitated cheating on any state assessment as determined by the  
9 board if all of the following conditions apply:

10 (i) Five years have passed from the date of entry of the person's final  
11 conviction, ~~the date of entry of his plea of nolo contendere~~, or the date of receipt of  
12 notification from the board of its determination that he submitted fraudulent  
13 documentation or facilitated cheating on a state assessment.

14 \* \* \*

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

1 in an executive session and of the person's option to require that the board discuss  
2 such matters in an open meeting.

3 \* \* \*

4 §15. Criminal history review

5 A.(1)(a) A person who has been convicted of ~~or has pled nolo contendere to~~  
6 a crime listed in R.S. 15:587.1(C) shall not be hired by a city, parish, or other local  
7 public school board or a nonpublic school or school system as a bus operator,  
8 substitute bus operator, or janitor, or as a temporary, part-time, or permanent school  
9 employee of any kind.

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

14 (aa) Has been convicted of ~~or has pled nolo contendere to~~ a felony offense  
15 even if adjudication was withheld or a first offender pardon or expungement was  
16 granted.

17 \* \* \*

18 (ii) A city, parish, or other local public school board or a nonpublic school  
19 or school system may hire a person as an administrator, teacher, or substitute teacher  
20 who has been convicted of ~~or has pled nolo contendere to~~ a felony not listed in R.S.  
21 15:587.1(C), who has been found to have submitted fraudulent documentation to the  
22 State Board of Elementary and Secondary Education or the state Department of  
23 Education as part of an application for a Louisiana teaching certificate or other  
24 teaching authorization, or who has been found to have facilitated cheating on any  
25 state assessment as determined by the board if the State Board of Elementary and  
26 Secondary Education approves a formal appeal request submitted by the person and  
27 issues a teaching certificate or authorization as provided in R.S. 17:7(6)(h).

28 \* \* \*

1 (2)(a) A city, parish, or other local public school board shall dismiss:

2 (i) An administrator, teacher, or substitute teacher upon the final conviction  
3 of ~~or submission of a plea of nolo contendere to~~ any felony offense, after a hearing  
4 held pursuant to the provisions of Part II of Chapter 2 of this Title.

5 \* \* \*

6 (iv) Any other school employee if such employee is convicted of ~~or pleads~~  
7 ~~nolo contendere to a crime~~ an offense listed in R.S. 15:587.1(C), except R.S. 14:74.

8 \* \* \*

9 (c) A city, parish, or other local public school board may reemploy an  
10 administrator, teacher, or other school employee who has been dismissed for  
11 conviction of a crime, except a crime listed in R.S. 15:587.1(C), pursuant to  
12 Subparagraph (a) of this Paragraph only upon written approval of ~~the~~ a district judge  
13 of the parish and the district attorney, or upon written documentation from the court  
14 in which the conviction occurred stating that the conviction has been reversed, set  
15 aside, ~~or~~ and vacated. Any such statement of approval of the judge and the district  
16 attorney and any such written documentation from the court shall be kept on file at  
17 all times by the school and shall be produced upon request to any law enforcement  
18 officer. No later than thirty days after its being placed on file by the school, the  
19 school principal shall submit a copy of any such statement of approval or written  
20 documentation from the court to the state superintendent of education.

21 \* \* \*

22 C. The State Board of Elementary and Secondary Education by rule adopted  
23 in accordance with the Administrative Procedure Act shall establish requirements  
24 and procedures consistent with the provisions of R.S. 15:587.1 ~~and the provisions for~~  
25 ~~all other felony offenses~~ for the state Department of Education to determine whether  
26 an applicant for or the recipient of any certificate, license, or other teaching  
27 authorization issued in accordance with state law or board policy by the department  
28 or the board and who might reasonably be expected to be placed in a position of  
29 supervisory or disciplinary authority over school children has been convicted of ~~or~~

1 ~~pled nolo contendere~~ to any criminal offense. Included in this rule shall be the  
2 requirement and the procedure for the submission of a person's fingerprints in a form  
3 acceptable to the Louisiana Bureau of Criminal Identification and Information.

4 \* \* \*

5 E.(1) An administrator, teacher, or other school employee upon his final  
6 conviction ~~or plea of guilty or nolo contendere~~ of any criminal offense, excluding  
7 traffic offenses, shall report the fact of his conviction ~~or plea~~ to his employer within  
8 forty-eight hours of the conviction ~~or plea of guilty or nolo contendere~~.

9 (2) An administrator, teacher, or substitute teacher who fails to report a  
10 conviction ~~or plea of guilty or nolo contendere~~ of any ~~felony~~ criminal offense shall  
11 be fined not more than one thousand dollars or imprisoned for not more than one  
12 year, with or without hard labor, or both.

13 (3) A school employee other than an administrator, teacher, or substitute  
14 teacher who fails to report a conviction ~~or plea of guilty or nolo contendere~~ of any  
15 criminal offense listed in R.S. 15:587.1(C)(1) shall be fined not more than five  
16 hundred dollars or imprisoned for not more than six months, with or without hard  
17 labor, or both.

18 F.(1) The State Board of Elementary and Secondary Education may assess  
19 a civil fine against a school governing authority, equal to the average state yearly  
20 compensation for a public school teacher, inclusive of salary and benefits, that  
21 knowingly employs a person without requesting the criminal records required by this  
22 Section or who knowingly hires a person who has been convicted of ~~or pled nolo~~  
23 ~~contendere~~ to any felony offense or any offense listed in R.S. 15:587.1(C), except  
24 R.S. 14:74, and who the State Board of Elementary and Secondary Education has not  
25 provided a teaching authorization pursuant to the provisions of R.S. 17:7(10) or who  
26 has not completed the formal appeal process required by the state board and been  
27 granted a new teaching certificate or other teaching authorization as provided in R.S.  
28 17:7(6)(h).

29 \* \* \*

1 G. At the request of his parent or legal guardian, a student shall be removed  
2 from the class of any teacher who has a ~~felony~~ conviction of any felony offense or  
3 any offense listed in R.S. 15:587.1(C), except R.S. 14:74, and placed in another  
4 class.

5 \* \* \*

6 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation;  
7 board membership

8 \* \* \*

9 E. A charter school shall not:

10 \* \* \*

11 (5)(a) Hire a person:

12 (i) As an administrator, teacher, substitute teacher, bus operator, substitute  
13 bus operator, janitor, or other school employee who might reasonably be expected  
14 to be placed in a position of supervisory or disciplinary authority over school  
15 children who has been convicted of ~~or has pled nolo contendere to~~ a crime listed in  
16 R.S. 15:587.1(C).

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

19 (aa) Has been convicted of ~~or has pled nolo contendere to~~ any other felony  
20 offense even if adjudication was withheld or a first offender pardon or expungement  
21 was granted.

22 \* \* \*

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

1 by the person and issues a teaching certificate or authorization as provided in R.S.  
2 17:7(6)(h).

3 (b) The state board shall establish regulations, requirements, and procedures  
4 consistent with the provisions of R.S. 15:587.1 under which the school governing  
5 authority shall determine whether an applicant or employee has been convicted of  
6 ~~or pled nolo contendere~~ to any felony offense. Included in these regulations shall be  
7 the requirement and the procedure for the submission of a person's fingerprints in a  
8 form acceptable to the Louisiana Bureau of Criminal Identification and Information  
9 prior to employment of such person.

10 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 167 Original

2019 Regular Session

Lance Harris

**Abstract:** Relative to criminal history, applies certain requirements for certification and employment of teachers and other school employees only to those who have been convicted of certain offenses instead of those who have been either convicted or pled nolo contendere to such offenses.

**BESE powers and duties**

Present law authorizes the State Bd. of Elementary and Secondary Education (BESE) to do the following with respect to teacher certification and employment:

- (1) Issue a teaching certificate or authorization to a person who has been convicted of or has pled nolo contendere to a felony offense not listed in present law (R.S. 15:587.1) if certain conditions apply, including the passage of five years from the date of the conviction or plea. Proposed law limits applicability of present law only to those who have been convicted.
- (2) Assess civil fines for hiring persons who have been convicted or have pled nolo contendere to any felony offense. Proposed law limits this fining authority to the hiring of those convicted and includes offenses listed in present law (R.S. 15:587.1(C)) except one (R.S. 14:74 – criminal neglect of family).

Present law requires BESE to provide for the following:

- (1) Authorization of a person as an administrator, teacher, or substitute teacher, including procedures for determining if he has been convicted or has pled nolo contendere to a felony offense. Proposed law limits present law to those convicted and adds offenses listed in present law (R.S. 15:587(C)) to those relative to which such procedures shall apply.

- (2) Requirements and procedures for determining if a person has been convicted of or pled nolo contendere to certain offenses. Proposed law limits present law to convictions.

### **Prohibition against hiring / exceptions**

Present law prohibits the hiring of a person who has been convicted of or has pled nolo contendere to:

- (1) A crime listed in present law (R.S. 15:587.1(C)) as a bus operator, substitute bus operator, or janitor or as a temporary, part-time, or permanent school employee of any kind. Proposed law limits this hiring prohibition to those convicted.
- (2) A felony offense as an administrator, teacher, or substitute teacher. Proposed law limits this hiring prohibition to those convicted.

Present law provides an exception to the prohibitions above and allows hiring, for certain positions, a person who has been convicted of or has pled nolo contendere to a felony not listed in present law (R.S. 15:587.1(C)) if BESE approves a formal appeal request and issues a teaching certificate or authorization. Proposed law limits present law to those convicted.

### **Reporting**

Present law requires school employees, upon final conviction or plea of guilty or nolo contendere to any criminal offense (except traffic offenses), to report to employer within 48 hours and provides penalties for failure to report. Proposed law limits present law reporting requirements to convictions.

### **Required dismissal**

Present law requires the dismissal of the following:

- (1) An administrator, teacher, or substitute teacher upon final conviction of or plea of nolo contendere to any felony offense after a hearing held pursuant to present law.
- (2) Any other school employee who is convicted of or pleads nolo contendere to a crime listed in present law (R.S. 15:587.1(C)) except for one (R.S. 14:74 – criminal neglect of family).

Proposed law limits such dismissal requirements to those convicted.

### **Student removal from class**

Present law requires, upon parental request, a student to be removed from the class of any teacher who has a felony conviction. Proposed law also applies this requirement to any teacher who has a conviction for any offense listed in present law (R.S. 15:587.1(C)) except for one (R.S. 14:74 – criminal neglect of family).

(Amends R.S. 17:7(6)(h)(intro. para.) and (i) and (10), 15(A)(1)(a) and (b)(i)(aa) and (ii) and (2)(a)(i) and (iv) and (c), (C), (E), (F)(1), and (G), and 3991(E)(5)(a)(i), (ii)(aa), and (iii) and (b))