

Employment of Personnel- Disclosure of Information | 2009

Board of Special Schools

Administrative Operational Procedures- All Personnel

Document No. AOP 2.3 – Employment of Personnel Disclosure of Information by Applicant or Employee

EMPLOYMENT OF PERSONNEL

The Board Special Schools (BSS) believe that it has an obligation to provide the children attending its schools with the very best personnel available regardless of race, color, creed, sex, age, national origin or any similar personal characteristic or affiliation with any teacher union or association. Age shall be considered only with respect to minimums set by law.

DISCLOSURE OF INFORMATION BY APPLICANT

Prior to hiring any employee, the BSS shall request the applicant to sign a statement that requests and authorizes the release and disclosure of information by the applicant's current or previous employer, if such employer is a city, parish, or other local public school board, relative to all instances of *sexual misconduct with students* as defined by BESE regulations, as committed by the applicant, if any. The statement shall also request the current or previous employing School Board make available to the BSS, within twenty (20) business days of receipt of the request, copies of all documents as contained in the applicant's personnel file maintained by such employer relative to instances of sexual misconduct, if any. Such request for information shall include a copy of the required statement signed by the applicant.

The BSS may employ any applicant on a conditional basis pending the SSD State Director's review of any information obtained pursuant to this request. However, in accordance with statutory provisions, the SSD State Director shall not hire any applicant who does not sign the statement as required by law.

Any information obtained by the SSD State Director as a result of the statement and request outlined above shall be used by the SSD State Director *only* for the purpose of evaluating an applicant's qualifications for employment in the position for which he/she has applied. In addition to the above, the applicant shall grant permission by signing a statement on the application form that permits the BSS and the SSD State Director to have access to any and all reference, background, and previous employment information and to receive copies of any such documentation from a current or previous employer.

CRIMINAL HISTORY OF APPLICANTS

The BSS shall require, in accordance with state law, applicants for employment with the BSS to submit necessary information regarding their backgrounds. A prospective employee shall be required to provide authorization for the disclosure of any information regarding past criminal activities, including arrests for, convictions of, or having pled nolo contendere to any criminal offense.

A standard applicant fingerprint card acceptable to the Louisiana Bureau of Criminal Identification and Information and a disclosure authorization form shall be provided the applicant by the BSS or may be obtained from local police authorities. It shall be the responsibility of the applicant to have his/her fingerprints taken by a qualified individual and submitted to the proper authorities for processing. Any cost associated with fingerprinting or the disclosure of background information on an applicant *may* be passed on to the applicant.

1. No person who has been convicted of or has plead nolo contendere to crimes listed in La. Rev. Stat. Ann. §15:587.1 shall be hired as a teacher, substitute teacher, classified employee, regular unclassified employee, or as a temporary, part-time, or permanent school employee of any kind, unless approved in writing by a district judge and the district attorney with jurisdiction in this parish, or if employed on an emergency basis, unless approved in writing by the BSS

Effective: November 15, 2009
Revised:

Ref: La. Rev. Stat. Ann. §§11:710, 15:587, 15:587.1, 17:15, 17:81, 17:81.9,23:897; Act No. 192, Regular Session, 2009

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Superintendent. Any such statement of approval shall be kept on file at all times at the location wherein the employee is assigned and shall be produced upon request by any law enforcement officer.

2. For the purposes of reviewing the criminal history of prospective employees, any person employed to provide cafeteria, transportation, janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services shall be considered to be hired by the school system.
3. Every such prospective employee shall be subjected to fingerprinting and each person's fingerprints shall be submitted to the proper authorities for a criminal history review.
4. A person who has submitted his/her fingerprints may be temporarily hired pending the results of the inquiry.
5. Upon the final conviction or upon a plea of *nolo contendere* of any crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74 (criminal neglect of family), any teacher may be dismissed following a hearing held in accordance with statutory provision.
 - a. Act 192 of the Regular Session, 2009 provides for penalties of an educator or any persons employed by the BSS who commits the crime of molestation of a juvenile.
6. Upon the final conviction or upon a plea of *nolo contendere* of any crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74 (criminal neglect of family), any permanent classified employee may be dismissed in accordance with Chapter 12 of the Civil Service Rules.
 - a. Act 192 of the Regular Session, 2009 provides for penalties of an educator or any persons employed by the BSS who commits the crime of molestation of a juvenile.
7. Any other school employee if such employee is convicted of or pleads *nolo contendere* to crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, may be dismissed.
 - a. Act 192 of the Regular Session, 2009 provides for penalties of an educator or any persons employed by the BSS who commits the crime of molestation of a juvenile.
8. A teacher or any other BSS employee shall report any final conviction or plea of guilty or *nolo contendere* to any criminal offense to the BSS Superintendent within forty-eight hours of conviction or plea.
 - a. Any person who fails to report as required by the Act 192 of the Regular Session, 2009 shall be subjected to fine and/or imprisonment as listed in this Act.
9. The BSS may reemploy a teacher or other school employee who has been convicted of crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, **only** upon written approval of a district judge and the district attorney who has jurisdiction in this school district, or upon written documentation from the court in which the conviction occurred stating that the conviction had been reversed, set aside, or vacated.

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