2022 Regular Session

HOUSE BILL NO. 411

BY REPRESENTATIVE THOMAS

ETHICS/NEPOTISM: Provides a minimum time period that an immediate family member of a school board member or superintendent must be employed by the school board prior to being promoted to an administrative position

AN ACT

To amend and reenact R.S. 42:1119(B)(2)(a)(v), relative to nepotism; to provide relative to family members of school board members and school district superintendents who are employed by the school board; to provide relative to promotion of such employees; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1119(B)(2)(a)(v) is hereby amended and reenacted to read as follows:

§1119. Nepotism

* * *

B.

* * *

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection:

(a)

* * *

(v) An immediate family member of a member of a local school board or of a superintendent who ~~is~~ <u>has been</u> employed pursuant to Item (i) of this Subparagraph <u>for at least one year</u> may be promoted to an administrative position by such school board provided that such family member has the appropriate qualifications and

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

certifications for such position. A school board member whose immediate family member is to be promoted to an administrative position pursuant to this Item shall recuse himself from any action involving the promotion or assignment of job location of such employee, and a superintendent whose immediate family member is to be promoted to an administrative position shall disqualify himself from any action involving the promotion or assignment of job location of such employee. For purposes of this Item, the term "certifications" shall not include any temporary or provisional certification or certifications.

* * *

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 in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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)]

HB 411 Engrossed 2022 Regular Session Thomas

Abstract: Provides relative to the promotion of a school board employee who is a family member of a school board member or school district superintendent.

Present law prohibits an agency head from employing a member of his immediate family in his agency and prohibits a governmental entity from employing an immediate family member of a member of the governing authority or of the chief executive of the governmental entity.

Present law provides an exception that authorizes a local school board to employ a member of the immediate family of a board member or of the school district superintendent as a classroom teacher if the family member is certified to teach or is temporarily authorized to teach while pursuing certification. Present law provides other specific exceptions relating to employment of family members by school boards.

Present law authorizes the promotion of a such family member employed by a school board to an administrative position for which he is qualified.

Proposed law retains present law except to require that the family member be employed by the school board for at least one year before he is eligible for promotion to an administrative position.

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

Present law, retained by proposed law, requires a school board member whose immediate family member is to be promoted to recuse himself from any action involving the promotion or assignment of job location of such employee and requires a superintendent whose immediate family member is to be promoted to disqualify himself from any action involving the promotion or assignment of job location of the employee.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1119(B)(2)(a)(v))

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