Summary of Legal and Contractual Expectations on Background Checks

This informational overview is a general reference guide intended only to clarify for schools relevant legal and contractual obligations, including OPSB Policy. It is NOT a substitute for understanding federal and state guidelines and/or the appropriate state and local policies nor is it a comprehensive description of all applicable legal and contractual obligations. Additionally, it is not meant to explain or delineate OPSB strategic priorities.


Summary Overview of Background Check Expectations for Employees*

Schools must conduct background checks for all employees including:

- Teachers and Substitute Teachers
- Bus drivers and Substitute Bus Drivers
- Janitors
- Other school employees who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over children

Background Check Process

- Background checks should only be submitted to the Louisiana Bureau of Criminal Identification (LCBI) and Information.
- Background checks must include the potential employee’s fingerprints and a signed statement authorizing the release of information from the LCBI to the school.
- The potential employee may be temporarily hired pending the report from the LCBI.
- Each school should maintain the statement of approval from the LCBI in each employee’s personnel file at all times and should be produced upon request to any law enforcement officer.

Hiring Guidelines

- Schools may not hire:
  - Anyone convicted of or pled “no contest” to a crime listed in La. R.S. 15:587.1 barring approval by the district attorney and a district judge. Such crimes include, but are not limited to crimes of violence, sex offenses, and obscenity.
- Schools must dismiss:
  - Any teacher or other employee convicted of or who pled nolo contendere to any crime listed in La. R.S. 15:587.1(C), except for La. R.S. 14:74 (Criminal neglect of Family).

Summary Overview of Background Check Expectations for Charter Board Members*

- Each new member of the charter school board, i.e. those who were not members when the organization was granted its initial charter term, must obtain a criminal background check from LBCI
- The criminal history review results of board members should be presented to OPSB within 90 days of the board member’s appointment

Additional Information

<table>
<thead>
<tr>
<th>Resource</th>
<th>Website</th>
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<tbody>
<tr>
<td>Louisiana Bureau of Criminal Identification and Information</td>
<td><a href="http://www.lsp.org/technical.html">http://www.lsp.org/technical.html</a></td>
</tr>
<tr>
<td>Louisiana Child Protection Act</td>
<td>La. R.S. 15:587.1</td>
</tr>
<tr>
<td>National Center for State Courts</td>
<td><a href="http://tinyurl.com/NCSC-org">http://tinyurl.com/NCSC-org</a></td>
</tr>
</tbody>
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Reference(s): R.S 14:15, R.S. 15:587.1, BESE Bulletin 741, and OPSB Policy HA

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The following is a partial list of crimes referenced in the above-mentioned laws and policies. School should refer to La.R.S. 15:587.1 for a full list of crimes:

- Aggravated arson
- Aggravated assault
- Aggravated assault with a firearm
- Aggravated battery
- Aggravated burglary
- Aggravated crime against nature
- Aggravated criminal damage to property
- Aggravated flight from an officer
- Aggravated incest
- Aggravated kidnapping
- Aggravated oral sexual battery
- Aggravated rape
- Aggravated second degree battery
- Armed robbery
- Armed robbery; use of firearm; additional penalty
- Assault by drive-by shooting
- Carjacking
- Carnal Knowledge of a Juvenile
- Child desertion
- Contributing to the delinquency of juveniles
- Criminal abandonment
- Criminal neglect of family

Reference(s): R.S. 15:587.1

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