

2026 LOUISIANA SCHOOL LAW WORKSHOP

Session 8

Screening for Success: Negligent Hiring, Background Checks, and Mandatory Reporting

by:

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Prepared for educational and CLE purposes. This paper discusses portions of those laws governing negligent hiring, background checks, and mandatory reporting and is not legal advice for a particular district, employee, situation, or claim.

I. Introduction

School Boards have recently completed the often-difficult budgeting process. In fact, budgets must be adopted no later than September 15 of each year, so the difficulty of adopting a balanced budget is fresh on everyone's minds. It is often said that a School Board's budget is comprised of 80-85% personnel costs. It is this reality which makes it extremely difficult to quickly recover from a financial crisis. Reducing or eliminating travel, reducing energy consumption, reducing purchases, and similar cost-saving measures are all effective but simply cannot save the amount of money that is needed when you find yourself in a financial crisis. Personnel costs are just that staggering.

If you visit with principals, HR directors, assistant superintendents, and superintendents across the state, you will also find similar statistics relating to the amount of time which personnel issues consume. Administrators often report that a tremendous percentage of their daily activities relate to personnel: application review, interviews, hiring, observations, evaluations, reprimands, counseling, complaints/grievances, discipline, and terminations. An additional amount of time is also spent investigating and addressing "messes" created by employees on issues ranging from inappropriate conduct with students, social media posts, inappropriate

student discipline, and other “extracurricular” activities. It is for these reasons that making a good hiring decision on the front end is particularly important.

Background and criminal history checks, while tedious, save a tremendous amount of time in the long run and will hopefully reduce the number of claims and lawsuits which also take up so much of your time. Just like a marriage, an employment relationship is much easier to enter into than to dissolve.

Another facet of the job of a professional educator which is not only vital to the operation of the district but is also important for the safety of its students is compliance with those laws mandating the reporting of possible child abuse. This component of your job is exceedingly important, not only because of the goal of student protection, but also because it can result in your arrest if you fail to comply.

II. Background Checks

When discussing background checks, the first things that come to mind are the typical fingerprinting and arrest/conviction records which you receive from the state police for each applicant. The process actually involves much more. Background checks relate to the activities utilized to determine if an employee is qualified for the position.

First, a solid application form is essential. That application should not only ask about the applicant’s certification, if applicable, but it should also inquire about the person’s employment history and reasons for leaving prior jobs. The application should also advise the applicant that his/her evaluations from prior school districts will be requested and should include a release to be signed by the applicant. This release allows principals and HR Directors to contact prior employers and authorizes those prior employers to share information and personnel file contents about the applicant.

During the actual interview, the candidate should be asked about past evaluation results, prior complaints, the reason he/she is leaving or reason for having left prior employers, prior disciplinary action(s), contract non-renewals, or terminations. One should not blindly rely upon the persons listed as references on an application, as no one is going to list as references persons who will have negative comments. For this reason, it is important that principals contact prior school districts directly to ascertain the candidate’s actual performance and reason for leaving.

Similarly, once the application reaches the desk of the HR director with a recommendation for employment, the HR director should reach out to his/her

counterpart in the school districts where the candidate worked previously. While there are computer apps which allow for sharing of information regarding applicants, direct calls are essential if there are any concerns reflected on the application, inconsistencies between application responses, interview responses, documents supplied by former employers, or any “bad vibes” from the actual interview.

As part of the application review process, two additional state laws are directly applicable:

(1) La. R.S. 17:3884(D) provides as follows:

Any local board wishing to hire a person who has been evaluated pursuant to this Chapter, whether that person is already employed by that school system or not, shall request such person's evaluation results as part of the application process. The board to which application is being made shall inform the applicant that as part of the mandated process, the applicant's evaluation results will be requested. The applicant shall be given the opportunity to apply, review the information received, and provide any response or information the applicant deems appropriate. (Emphasis Supplied)

(2) La. R.S. 17:81.9 is much more detailed and provides:

A. Notwithstanding any other provision of law to the contrary, prior to hiring any employee, each city, parish, and other local public school board shall require the applicant for such employment, hereinafter referred to in this Section as "the applicant", to sign a statement that:

(1)(a) Provides procedures for the 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 committed by the applicant, if any.

(b) Provides procedures for the disclosure of information by the applicant's current or previous employer, if such employer is the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, or Special School Programs, relative to all instances of abuse or neglect of students, as such terms are defined in Children's Code Article 603, as committed by the applicant, if any.

(2) Releases the applicant's current or previous employer, if such employer is a city, parish, or other local public school board, and any school employee acting on behalf of such employer from any

liability for disclosing any information as described in Paragraph (1) of this Subsection in accordance with the provisions of this Section.

(3) Provides procedures for the disclosure of information by the applicant of all instances of sexual misconduct with and abuse or neglect as specified in Subparagraph (1)(b) of this Subsection of any student committed by the applicant, if any, and such procedures shall include written notification by the school board, on any application forms provided to the applicant, of the disclosure requirements as contained in R.S. 17:430.¹

B. Prior to hiring any applicant, each city, parish, and other local public school board shall request, in writing, that the applicant's current or previous employer, if such employer is a city, parish, or other local public school board, provide the information as described in Paragraph (A)(1) of this Section, if such information exists, and make available to the hiring school board copies of all documents as contained in the applicant's personnel file maintained by such employer relative to such instances of sexual misconduct and abuse or neglect as specified in Subparagraph (A)(1)(b) of this Section, if any. Such request for information shall include a copy of the statement signed by the applicant as provided in Subsection A of this Section.

C. By not later than twenty business days after receiving a request as specified in Subsection B of this Section, the city, parish, or other local public school board shall provide the information requested, if any such information exists, and shall make available

¹ §430. Applicants for public school employment; disclosure requirements; penalties; definitions

A.(1) Except as provided in Subsection C of this Section, each applicant for public school employment shall be required to disclose the following in accordance with procedures adopted by the governing authority of the public elementary or secondary school in which the applicant seeks employment:

(a) All actual cases of sexual misconduct with a minor or student by the applicant.

(b) All investigations of sexual misconduct by the applicant with a minor or student that occurred within thirty-six months prior to the applicant's resignation, dismissal, or retirement from school employment.

(c) All actual or investigated cases of abuse or neglect as specified in R.S. 17:81.9(A)(1)(b) of a minor or student by the applicant.

(2) Any applicant who knowingly and willfully violates the provisions of this Section shall be guilty of a misdemeanor offense and shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

B. For purposes of this Section, "sexual misconduct" shall be as defined pursuant to R.S. 17:81.9(J) and "abuse" and "neglect" shall be as defined in Children's Code Article 603.

C. If an investigation determined that a formal allegation of an applicant was inconclusive, unjustified, or otherwise without cause for further formal pursuit, the applicant shall not be required to disclose such information as required in Subsection A of this Section.

to the requesting school board copies of all documents as contained in the applicant's personnel file relating to all instances of sexual misconduct and abuse or neglect as specified in Subparagraph (A)(1)(b) of this Section, if any.

D. Any city, parish, or other local public school board or any school employee acting on behalf of such board who in good faith discloses any information pursuant to this Section shall be immune from civil liability for having disclosed such information.

E. Except as provided in Subsection F of this Section, no city, parish, or other local public school board shall hire an applicant who does not sign the statement as described in Subsection A of this Section.

F. Any city, parish, or other local public school board may employ any applicant on a conditional basis pending the board's review of any information obtained pursuant to this Section.

G. Any information obtained by a city, parish, or other local public school board pursuant to this Section shall be used by such board only for the purpose of evaluating an applicant's qualifications for employment in the position for which he has applied.

H. Notwithstanding any other provision of law to the contrary, no member of a city, parish, or other local public school board or school employee employed by such board shall disclose any information obtained pursuant to this Section to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. Any person who violates the provisions of this Subsection shall be guilty of a misdemeanor offense and shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. (Emphasis Supplied)

III. Criminal History Review

A. State Level

At the state level, beginning January 1, 2025, applicants for initial educator credentials or teaching certificates are required to undergo a criminal history record check. La. R.S. 17:8.9. As part of this procedure, fingerprints are obtained from the applicant, and a criminal history report is obtained. Neither the BESE nor the Department of Education may issue an educator credential or teaching authorization to any person who has been convicted of or has pled *nolo contendere* to a crime listed in La. R.S. 15:587.1(c) or any felony.² The crimes listed in Title 15 generally include

² Act 539 of 2026 amended La. R.S. 17:15 to add a new provision. Under the new law, negligent hiring claims against public and non-public schools shall not be maintained if a person was hired as an

sex crimes, drug offenses, and crimes of violence. See the “Thou Shall Not Hire” List attached hereto as Addendum B.

La. R.S. 17:8.7 also precludes BESE and the Department of Education from issuing teaching certificates or authorizations to any person who has submitted fraudulent documentation as part of the application for a certificate or authorization or who has been found to have facilitated cheating on a state assessment. If the grounds for denying the certification or authorization were based upon a felony conviction, the submission of fraudulent documents, or cheating on an assessment, the Board may issue such credential or authorization after a successful appeal, if all of the following conditions apply:

1. Five years have passed since the submission of fraudulent documentation or cheating on a state assessment;
2. The Board has received a request for the person for a formal appeal and has conducted a review of the person’s background; and
3. The person has provided letters of recommendation to the Board.

At the state level, an administrator, teacher, or other school employee who has an educator credential or teaching authorization shall report a conviction or a guilty plea to the Department of Education within two (2) business days of the conviction or plea. An administrator, teacher, or employee who fails to make such a report shall be fined not more than \$1,000.00 or imprisoned for more than one (1) year with or without hard labor or both.

Updated background checks are required anytime an educator seeks the renewal or modification of such educator credential or teaching authorization. An educator whose criminal history reveals a subsequent conviction or plea to any of the offenses listed in La. R.S. 15:587.1(C) or a felony conviction shall have his or her credential or teaching authorization revoked.

LDOE is to notify the last known school district employing a teacher or other certificated employee if it revokes a certificate, authorization or credential.

B. District Level

Similarly, La. R.S. 17:15 provides for a similar criminal history review at the district level. Requirements of this review, however, differ slightly from those at the state level. Pursuant to the aforementioned statute, a person who has been convicted

administrator, teacher, substitute teacher, athletic director, coach, or assistant coach and such person had a valid teaching certificate or authorization provided by the State Board of Elementary and Secondary Education.

of or has pled *nolo contendere* or guilty to any of the crimes listed in La. R.S. 15:587.1(C) or whose name is recorded on the Department of Children and Family Services State Central Registry on or after August 1, 2018, shall not be hired by a city, parish, or local public school board or non-public school or school system as a bus operator, substitute bus operator, janitor, administrator, teacher, or substitute teacher or temporary, part-time, or permanent school employee of any kind. This prohibition applies even if the adjudication was withheld or if a pardon or expungement was granted.

Local school districts, non-public schools, or school systems are also precluded from employing persons who submitted fraudulent documentation as part of their application to receive a teaching certificate or teaching authorization or who facilitated cheating on a state assessment. The requirement of background checks and the prohibitions of employment apply to cafeteria, transportation, janitorial, maintenance, or student services persons who are employed as contractors with the school system.

Similarly, the school district is required to dismiss employees who are subsequently convicted or enter pleas for those crimes listed in La. R.S. 15:587.1(C), whose name is subsequently recorded on the DCFS registry, who submits fraudulent documentation to the department or who facilitates cheating on a state assessment.

IV. Mandatory Child Abuse Reporting

A. Reporting

Under Louisiana law, mandatory reporters are those persons who interact with children, including teachers, coaches, assistant principals, principals, and other school employees.³ Depending on the identity of the alleged abuser, a mandatory reporter must report his or her suspicions of abuse to the Department of Children and Family Services (DCFS) or to law enforcement. When in doubt, dual reports to both entities are permissible and will satisfy the mandatory reporter's obligation. If the alleged perpetrator is a parent or caretaker of the child or is a person living in the same residence of the parents, caretaker, or child, the report is to be made to DCFS.⁴ Reports can be made to DCFS via its 24-hour hotline at 1-855-452-5437 or through the mandated reporter portal at mr.dcfslouisiana.gov/c/MR_PortalApp.app. If a report is made orally, a mandated reporter must follow-up with a written report to DCFS within five (5) days either by entering a follow-up report online through the portal or by mailing a CPI-2 form to Louisiana Child Safety Response Center, P.O.

³ La. Children's Code, Art. 603 (18)

⁴ La. Children's Code, Art. 610 (A)(1)

Box 3318, Baton Rouge, LA 70821. The CPI-2 form is available online at www.dcfsls.gov/mandated-reporters/.

If the alleged perpetrator is someone outside of the home or when suspected abuse or neglect has occurred at school, on a school bus, or at a school sponsored activity, the report is to be made to law enforcement.⁵ Dual reporting is required in instances where a child's death involves a suspicion of abuse or neglect as a contributing factor, a felony-grade crime has been committed against a child, or any child is alleged to be involved as a victim of human trafficking.⁶

For purposes of reporting requirements, having a working definition of abuse and neglect is important. Abuse is defined as any of the following acts which seriously endanger the physical, mental, or emotional health or safety of a child:

- 1) The infliction or attempted infliction of physical or mental injury upon a child by a parent or other person;
- 2) The exploitation or over-work of a child by a parent or other person, including the commercial sexual exploitation of a child; and
- 3) The involvement of a child in any sexual act with a parent or any other person or the assistance or toleration by a parent, caretaker or other person of any of the following acts:
 - Any sexual act
 - Pornographic displays
 - Any sexual activity constituting a crime under state law
 - A coerced abortion
 - Female genital mutilation ⁷

Similarly, neglect is defined as the refusal or reasonable failure of a parent or caretaker to provide a child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of which the child's physical, mental, or emotional health or safety is substantially threatened or impaired. Neglect can include prenatal neglect.⁸

A mandatory reporter who knowingly or willfully fails to report suspected abuse or neglect shall be fined not more than \$500.00 or imprisoned for more than six (6) months or both. If the abuse is sexual or results in serious bodily injury or the death of a child, a mandated reporter knowingly or willfully fails to report such event

⁵ La. Children's Code, Art. 610 (A)(2)

⁶ La. Children's Code, Art. 610 (E)

⁷ La. Children's Code, Art. 603(2)

⁸ La. Children's Code, Art. 603(20)

shall be fined not more than \$3,000.00 or imprisoned with or without hard labor for more than three (3) years or both. Such criminal penalties are enhanced if a person actually witnesses such sexual abuse and knowingly fails to report it.⁹

At the same time, however, state law provides immunity from legal liability as a result of reports which are made in good faith, even if the report cannot be substantiated.

B. Training Requirements

Mandatory reporters shall be offered training on the statutory requirements and responsibilities of reporting child abuse and neglect. This training shall be made available by DCFS or any other mechanism as approved by DCFS as long as it includes information on the reporting procedures and consequences of failing to report. Teachers and child care providers shall complete an online training course between June 1st and August 31st *annually*. A record of completion must be provided to each entity at which the teaching or child care provider is employed. No later than September 30th of each year, each entity at which a teaching or child care provider is employed shall submit a list to the Department of Education of those who have and have not complied with the training requirement.¹⁰

⁹ La. R.S. 14:403

¹⁰ La. Children's Code Art. 603.1

Addendum A

Parish School District Application Form (Certified Position)

The Parish School District ("District") thanks you for your interest in our school system. By providing as much information as possible, you will allow us to assess your qualifications in a timely and efficient manner. Please allow us to provide you with important information. We ask that you read the application form and all attachments carefully and that you provide complete and accurate information. Your signature certifies that you have done so and that all information provided is true, complete, and correct. Providing inaccurate or incomplete information on an employment application may constitute a violation of state law.

Notice, Conditions and Directions:

1. Louisiana law requires the District to request certain information relative to your current or prior employment, and you must authorize such persons or entities to release such information to the District. Any offer of employment, vote to employ or actual employment is conditioned upon the results of this review and the negotiation of a contract. Any adverse information, conviction, or plea which impacts your eligibility or fitness for the position shall vitiate the District's offer of employment, vote to employ, or contract. See attached forms and releases.
2. You must also submit fingerprints for a background check in accordance with La. R.S. 17:15 and La. R.S. 15:587.1. Such background check will reveal all criminal convictions and pleas, including those which may have been expunged or for which a pardon has been received. Any offer of employment or contract is conditioned upon the results of this review and approval by the Superintendent. Any conviction or plea which impacts your eligibility or fitness for the position shall vitiate the District's offer of employment, vote to employ, or contract. See attached forms and releases.
3. The Parish School District is an Equal Opportunity Employer and does not discriminate on the basis of age, race, sex, gender, national origin, religion, disability or membership in any other protected classification.
4. Employment is not final or binding upon the parties until a clear background check is obtained, a contract has been negotiated and signed by both parties, and/or the Superintendent has authorized your employment, if a written contract is not required.
5. For purposes of contacting you about your application, interview dates, needed information, etc., you consent and agree to accept emails as official notice.

PERSONAL INFORMATION

Last Name First Middle Initial

Cell Phone Number: _____ Email address: _____

Business Address: _____ Telephone: _____

City: _____ State: _____ Zip: _____

Home Address: _____ Telephone: _____

City: _____ State: _____ Zip: _____

Present Position: _____

Type of Organization or School District: _____

Enrollment: _____ Annual Budget: _____

Types of Certificates Held: _____

ATTACH YOUR CERTIFICATE OR WRITTEN CONFIRMATION THAT YOU ARE ELIGIBLE FOR IMMEDIATE CERTIFICATION AS SUPERINTENDENT FROM THE LDOE.

PROFESSIONAL PREPARATION

	Institution & Location	Major/ Minor	Degree	GPA (optional)
Undergraduate				
Graduate				

ADMINISTRATIVE EXPERIENCE

School System	City	State	Position	Dates From-To

TEACHING EXPERIENCE

Name of School	City	State	Grade or Subject	Dates From-To

Total Years Administrative Experience _____ Total Years Teaching Experience _____

Louisiana Teaching Certificate Type and Number _____

List Areas of Certification _____

Do you hold a teaching certificate from another state? _____ If so, please list State(s) and areas of certification. _____

Has your certificate ever been suspended, revoked, or subject to other adverse action? _____
If so, please state the date, agency taking such action and reason for same: _____

Do you Possess a certificate issued by the Louisiana Department of Education? _____ If not, do you currently possess the educational requirements, experience, and other qualifications necessary to obtain immediate certification at this time? _____

Have you ever been terminated by a school system or asked to resign? _____ If so, please attach an explanation identifying the employer, basis for termination or resignation and the date of same. Have you ever had your contract non-renewed or been informed that your contract would not be renewed? _____. If so, please identify the school district: _____. Have you ever resigned in lieu of termination or non-renewal of your contract? ____, If so, please identify the school district: _____.

Have you ever been convicted of a felony or other serious offense, even one which was expunged or pardoned? _____ If so, please attach an explanation identifying the charge, jurisdiction, and court involved, date of conviction or plea, and factual basis of charge(s).

Have you ever engaged in, been accused of engaging in, or investigated for having engaged in sexual misconduct with a minor/student or the abuse or neglect of a minor? _____ If so, please attach an explanation identifying the conduct or alleged conduct in question, including but not limited to the dates(s), your employer at the time, criminal charges, jurisdiction and court involved, date of conviction or plea, and factual basis of the charge(s) or allegations.

Have you ever abused or neglected a minor or student? _____ Have you ever been accused of abusing or neglecting a minor or student? _____ Have you ever been the subject of any investigation of alleged abuse or neglect of a minor or student? _____ If so, please attach an explanation identifying the conduct or alleged conduct in question, including but not limited to the dates(s), your employer at the time, the results of the investigation,

criminal charges, jurisdiction, court involved, date of conviction or plea, and factual basis of the charge(s) or allegations.

You are cautioned that an applicant who knowingly and willfully fails to accurately answer questions about abuse, neglect or sexual misconduct shall be guilty of a criminal offense and may be fined up to \$500 or imprisoned for not more than six months, or both.

State the earliest possible date you could begin work in _____ Parish.

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS AND OFFICES AND DATES HELD:

Organization	Dates From – To

COMMUNITY ORGANIZATIONS AND SERVICES:

Organization	Dates From-To

REFERENCES - List five (5) names, titles, work addresses, and telephone numbers of individuals familiar with your career that we may contact:

1. _____
2. _____
3. _____
4. _____
5. _____

Please provide any other information which you think might be helpful.

[illegible]

I have read, understand, and acknowledge the foregoing notice, conditions and directions for completing this application. I certify that the information provided herein and in the attachments hereto is accurate, true, and complete to the best of my knowledge. I further certify that I have not been convicted of a felony or other serious offense and have not engaged in physical or sexual misconduct, neglect, or abuse with or toward a student. I hereby waive my confidentiality with regard to my work record or criminal record and consent to and authorize the release of information from my current or former employers and/or law enforcement personnel upon inquiry in reference to this application. This authorization also allows all current and prior employers to release any information which may have been sealed or the subject of a prior non-disclosure agreement. I release the _____ Parish School District and anyone responding to such inquiry from any liability for providing such information.

Signature

Date _____

AUTHORIZATION AND RELEASE
IMPORTANT: READ CAREFULLY BEFORE SIGNING

Louisiana Revised Statutes 17:3884 provides that a school board considering the employment application of a person who has been evaluated in another school system shall request such person's evaluation results as part of the application process and shall inform the applicant that his/her evaluation results will be requested. The applicant shall be given the opportunity to review any information received by the prospective employer as a result of such request and afforded the opportunity to provide any response or information the applicant deems appropriate. Please be advised, therefore, that the _____ Parish School System will request evaluation results on you from each of the school districts you have listed in your application. You will be given an opportunity to review the evaluation results received and to provide a response or information if you would like to do so. Any written response or information you might provide will be retained with your application.

Louisiana Revised Statutes 17:15 also requires all applicants for employment to be fingerprinted in order to assist in background checks of those individuals. Should it be determined that any applicant (or employee) has been convicted of one or more of the criminal offenses set forth in Louisiana Revised Statutes 17:587.1(C), then that applicant (or employee) is generally precluded from further employment with the school system. The conviction of other offenses that call into question the applicant's fitness for the position may also preclude employment or continued employment.

Louisiana Revised Statutes 17:81.9 further requires a school board receiving an application to request that all current and prior school board employers of the applicant provide it with all information in their records relative to instances of sexual misconduct, if any, with students committed by the applicant. This law further provides that the applicant must release all such employers from liability arising from the release of such information to the prospective employer.

Louisiana Revised Statutes 44:1 et al. provides that public records are subject to production to persons requesting such information, including members of the press. Accordingly, I understand that my application may become public knowledge.

AUTHORIZATION AND RELEASE

I certify that the information which I have provided in the attached application is true, correct and complete. I understand that furnishing false information or omitting material information on this application could be a violation of law, could disqualify me from consideration for employment, or could lead to my discharge from employment. I have read and agree to the above provisions and hereby authorize the _____ Parish School District to request, receive, review and consider my prior evaluations and information relative to sexual misconduct or physical abuse, if any, with students from all of my current or previous school system employers. I further release the _____ Parish School District, its employees, agents and insurers and all current and former employers, their agents, employees and insurers from any liability connected with such disclosures and do hereby

specifically authorize such employer(s) to release to the _____ Parish School District my complete personnel file, including such information and documentation as may be requested in connection with my application for employment with it, including any documentation which had been previously sealed or which formed the subject of a prior non-disclosure agreement.

APPLICANT

DATE: _____

Addendum B

“Thou Shall Not Hire” List

Title/Section Number	Offense Name
R.S. 14:30	First Degree Murder
R.S. 14:30.1	Second Degree Murder
R.S. 14:31	Manslaughter
R.S. 14:32.6	First Degree Feticide
R.S. 14:32.7	Second Degree Feticide
R.S. 14:32.8	Third Degree Feticide
R.S. 14:41	Rape
R.S. 14:42	Aggravated Rape
R.S. 14:42.1	Forcible Rape
R.S. 14:43	Simple Rape
R.S. 14:43.1	Sexual Battery
R.S. 14:43.1.1	Misdemeanor Sexual Battery
R.S. 14:43.2	Second Degree Sexual Battery
R.S. 14:43.3	Oral Sexual Battery
R.S. 14:43.4	Female Genital Mutilation
R.S. 14:43.5	Intentional Exposure to AIDS Virus
R.S. 14:43.6	Failure of certain sex offenders to submit to chemical castration (MPA)
R.S. 14:44	Aggravated Kidnaping
R.S. 14:44.1	Second Degree Kidnaping
R.S. 14:44.2	Aggravated Kidnaping of a Child
R.S. 14:45	Simple Kidnaping
R.S. 14:46.4	Re-homing of a Child
R.S. 14:74	Criminal Neglect of Family
R.S. 14:78 ¹¹	Incest
R.S. 14:78.1	Aggravated Incest ¹²
R.S. 14:79.1	Criminal Abandonment
R.S. 14:80	Felony Carnal Knowledge of a Juvenile
R.S. 14:80.1	Misdemeanor Carnal Knowledge of a Juvenile
R.S. 14:81	Indecent Behavior with Juveniles ¹³
R.S. 14:81.1	Pornography Involving Juveniles
R.S. 14:81.1.1	Sexting
R.S. 14:81.2	Molestation of a Juvenile

¹¹ Now found at La. R.S. 14:89 “Crime Against Nature”

¹² Now found at La. R.S. 14:89.1 “Aggravated Crime Against Nature”

¹³ This statute was amended by Act 97 of 2025 to preclude “grooming” which is the pursuit of an intimate relationship with a child younger than seventeen through the use of certain acts as listed in the statute.

Title/Section Number	Offense Name
R.S. 14:81.3	Computer-Aided Solicitation of a Minor
R.S. 14:81.4	Prohibited Sexual Conduct between Educator and Student
R.S. 14:81.5	Unlawful Possession of Videotape of Protected Person under R.S. 15:440.1
R.S. 14:82	Prostitution
R.S. 14:82.1	Prostitution (persons under 17)
R.S. 14:82.2	Purchase of Commercial Sexual Activity
R.S. 14:83	Soliciting for Prostitutes
R.S. 14:83.1	Inciting Prostitution
R.S. 14:83.2	Promoting Prostitution
R.S. 14:83.3	Prostitution by Massage
R.S. 14:83.4	Massage; Sexual Conduct Prohibited
R.S. 14:84	Pandering
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:86	Enticing Persons into Prostitution
R.S. 14:89	Crime Against Nature
R.S. 14:89.1	Aggravated Crime Against Nature
R.S. 14:89.2	Crime Against Nature by Solicitation ¹⁴
R.S. 14:92	Contributing to Delinquency of Juveniles
R.S. 14:93	Cruelty to Juveniles
R.S. 14:93.2.1	Child Desertion
R.S. 14:93.3	Cruelty to the Infirm
R.S. 14:106	Obscenity
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283	Video Voyeurism
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 14:286	Sale of a Minor
R.S. 40:966(A)	Distribution or Possession with Intent to Distribute Schedule I Drug
R.S. 40:967(A)	Distribution or Possession with Intent to Distribute Schedule II Drug
R.S. 40:968(A)	Distribution or Possession with Intent to Distribute Schedule III Drug
R.S. 40:969(A)	Distribution or Possession with Intent to Distribute Schedule IV Drug
R.S. 40:970(A)	Distribution or Possession with Intent to Distribute Schedule V Drug

¹⁴ La. R.S. 14:89.3 is NOT on the list of crimes which automatically bars employment. However, this statute makes it illegal to sexually abuse an animal, and it is unlikely that any district would knowingly employ a person who has committed such an offense.

Title/Section Number	Offense Name
R.S. 14:2(B)	Crimes of Violence ¹⁵
R.S. 15:541	Sex Offense (including sex offenses against minors) ¹⁶
Act 409 of 2025	Amends La. R.S. 15:587.1(C) to preclude the employment of anyone listed in the records of the DCFS Central Registry as of August 1, 2025.

¹⁵ “Crimes of Violence” include the following: (1) Solicitation for murder; (2) First degree murder; (3) Second degree murder; (4) Manslaughter; (5) Aggravated battery; (6) Second degree battery; (7) Aggravated assault; (8) Repealed by Acts 2017, No. 281, § 3; (9) Aggravated or first degree rape; (10) Forcible or second degree rape; (11) Simple or third degree rape; (12) Sexual battery; (13) Second degree sexual battery; (14) Intentional exposure to AIDS virus; (15) Aggravated kidnaping; (16) Second degree kidnaping; (17) Simple kidnaping; (18) Aggravated arson; (19) Aggravated criminal damage to property; (20) Aggravated burglary; (21) Armed robbery; (22) First degree robbery; (23) Simple robbery; (24) Purse snatching; (25) Repealed by Acts 2017, No. 281, § 3; (26) Assault by drive-by shooting; (27) Aggravated crime against nature; (28) Carjacking; (29) Repealed by Acts 2017, No. 281, § 3; (30) Terrorism; (31) Aggravated second degree battery; (32) Aggravated assault upon a peace officer; (33) Aggravated assault with a firearm; (34) Armed robbery; use of firearm; additional penalty; (35) Second degree robbery; (36) Disarming of a peace officer; (37) Stalking; (38) Second degree cruelty to juveniles; (39) Aggravated flight from an officer; (40) Repealed by Acts 2014, No. 602, § 7, eff. June 12, 2014; (41) Battery of a police officer; (42) Trafficking of children for sexual purposes; (43) Human trafficking; (44) Home invasion; (45) Domestic abuse aggravated assault; (46) Vehicular homicide, when the operator's blood alcohol concentration exceeds 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood; (47) Aggravated assault upon a dating partner; (48) Domestic abuse battery punishable under R.S. 14:35.3(L), (M)(2), (N), (O), or (P); (49) Battery of a dating partner punishable under R.S. 14:34.9(L), (M)(2), (N), (O), or (P); (50) Violation of a protective order if the violation involves a battery or any crime of violence as defined by this Subsection against the person for whose benefit the protective order is in effect; (51) Criminal abortion; (52) First degree feticide; (53) Second degree feticide; (54) Third degree feticide; (55) Aggravated criminal abortion by dismemberment.

¹⁶ “Sex Offense” includes the following: (1) trafficking of children for sexual purposes; (2) crime against nature; (3) aggravated crime against nature; (4) crime against nature by solicitation; (5) felony carnal knowledge of a juvenile; (6) indecent behavior with juveniles; (7) pornography involving juveniles; (8) molestation of a juvenile or a person with a physical or mental disability; (9) computer-aided solicitation of a minor; (10) prohibited sexual conduct between an educator and student; (11) prostitution persons under eighteen; (12) purchase of commercial sexual activity; (13) contributing to the delinquency of juveniles; (14) sexual battery of persons with infirmities; (15) obscenity by solicitation of a person under the age of seventeen; (16) video voyeurism; (17) aggravated or first degree rape; (18) forcible or second degree rape; (19) simple or third degree rape; (20) sexual battery; (21) sexual battery; (22) second degree sexual battery; (23) oral sexual battery; (24) intentional exposure to AIDS virus; (25) voyeurism; (26) second conviction of sexual abuse of an animal; and (27) deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit aggravated oral sexual battery.

Addendum C

Nepotism Disclosure

State law precludes or limits the employment of an *immediate family member* of a school board member, superintendent, or department head in certain circumstances which vary depending upon the position sought or the certification requirements of that position. For purposes of these laws, *immediate family member* as it relates to a board member, superintendent, or department head is defined as his/her “children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.”

In order to protect you and the school district from inadvertent violations of these laws, are you the *immediate family member* (as defined above) of any current employee of the district? If so, please identify such person by name, current position/title, and relationship:

Addendum D

Best Practices and Take Aways (Background Checks)

- Update your application. . . don't forget to include an authorization/release.
- The application should include inquiries about prior terminations, reasons for leaving prior jobs, areas of certification,
- The application should contain the required sexual misconduct, neglect, and abuse questions.
- Have the application before you when conducting the interview.
- Spending more time on the application results in less time on reprimands, intensive assistance, discipline, etc.
- Read the application for issues and inconsistencies.
- Compare the fingerprint results to the application responses.
- References are indicators of friendship, not performance.
- Check with former principals, HR Directors, etc.
- Request evaluations.
- The applicant may be certified, but is the applicant qualified?

Best Practices and Take Aways (Criminal History Check)

- Review the results carefully.
- Follow up with the applicant for additional information, if needed.
- You DO NOT have to hire an applicant just because a conviction was for a crime not on the list.
- Beware felony convictions, even if not listed.
- If the report indicates that the applicant has a conviction, did they disclose that conviction on the application.
- Retain and Safeguard results.

Best Practices and Take Aways (Mandatory Reporter)

- Obtain the required training each year.
- Make timely reports.
- Confirm reports which are made orally and maintain proof of reporting.
- It is not your job to investigate, draw conclusions, etc.
- Reporting your concerns to a principal or supervisor is not enough.
- Report concerns to DCFS if allegations relate to the conduct of persons within the home.
- Report to law enforcement if allegations relate to the conduct of persons outside the home.
- You are subject to prosecution if you fail to report.