



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.

OPSB expects that all Charter schools comply with La. R.S. 17:15 “Criminal History Review”, R.S. 15:587.1 “The Louisiana Child Protection Act,” Act 634 and OPSB Policy HA, relative to background checks.

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 (LBCI) and Information.
- Background checks must include the potential employee’s fingerprints and a signed statement authorizing the release of information from the LBCI to the school.
- The potential employee may be temporarily hired pending the report from the LBCI.
- Each school should maintain the statement of approval from the LBCI 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 that 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.
 - Anyone found to have facilitated cheating on any state assessment as 18 determined by the State Board of Elementary and Secondary Education.
- Schools must dismiss:
 - Any teacher or other employee convicted of or that 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

Resource	Website
Louisiana Bureau of Criminal Identification and Information	http://www.lsp.org/technical.html
Bulletin 126 §2905 – Criminal History Review	http://doe.louisiana.gov/bese/policies.html
Louisiana Child Protection Act	La. R.S. 15:587.1
National Network: Information, Guidance, and Training	http://adacourse.org/solutions.php?idarea=Government
National Center for State Courts	http://tinyurl.com/NCSC-org

Reference(s): R.S 14:15, R.S. 15:587.1, BESE Bulletin 741, Act 634 and OPSB Policy HA

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The following is a partial list 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	Cruelty of juveniles	Pandering
Aggravated assault	Disarming of a peace officer	Peeping Tom
Aggravated assault with a firearm	Distribution or Possession with intent to distribute narcotic drugs	Pornography involving juveniles
Aggravated battery	Enticing persons into prostitution	Promoting Prostitution
Aggravated burglary	Extortion	Prostitution
Aggravated crime against nature	First degree murder	Prostitution by Massage
Aggravated criminal damage to property	First degree robbery	Purse snatching
Aggravated flight from an officer	Forcible rape	Rape
Aggravated incest	Illegal use of weapons or dangerous instrumentalities	Sale of minor children
Aggravated kidnapping	Incest	Second degree battery
Aggravated oral sexual battery	Inciting Prostitution	Second degree cruelty to juveniles
Aggravated rape	Indecent behavior with a juvenile	Second degree kidnapping
Aggravated second degree battery	Intentional exposure to AIDS virus	Second degree murder
Armed robbery	Intentional exposure to the AIDS virus	Second degree robbery
Armed robbery; use of firearm; additional penalty	Letting premises for prostitution or obscenity	Second degree sexual battery
Assault by drive-by shooting	Manslaughter	Sexual battery
Carjacking	Mingling harmful substances	Simple kidnapping
Carnal Knowledge of a Juvenile	Molestation of a juvenile	Simple rape
Child desertion	Obscenity	Simple robbery
Contributing to the delinquency of juveniles	Operation of places of prostitution	Solicitation for murder
Criminal abandonment	Oral Sexual Battery	Soliciting for prostitutes
Criminal neglect of family		Stalking
Reference(s): R.S. 15:587.1		Terrorism
		Voyeurism

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