

POLICYALERT



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POLICY UPDATE: 2011

Legislative Policy Changes ... Almost Done

This issue of **POLICYALERT** discusses a few more policies which have been revised based on action taken by the 2011 Louisiana Legislature. Covered here are changes to bidding and purchasing guidelines, and inclusion of disciplinary actions for not reporting arrests or citations for certain offenses by employees.

We are almost done with policy changes based on legislative action of 2011, except for a special newsletter and accompanying policy addressing the issue of seclusion and restraint of special education students, which will wrap up the series for the year.

PURCHASING BIDS AND QUOTATIONS

As a result of Act 210, revising La. Rev. Stat. Ann. §§38:2271, 39:1598.1 and 39:1661 and :1671, Boards may now use a procedure called *reverse auction* or *competitive online solicitation* to solicit the lowest purchase price for materials and supplies when it is advantageous to the Board. The dates and times of the competitive online solicitation or reverse auction must be advertised twice, with the first advertisement at least fifteen (15) days prior to the opening date. The goal is to allow bidders to see what competitors are bidding and lower their prices accordingly. Bidders identities shall not be revealed during the process, only the successively lower prices. We have adopted the term *online competitive solicitation* for usage in this policy because it sounds more logical.

Policies In This Issue:

- Purchasing
- Bids and Quotations
- Employee Conduct
- Dismissal of Employees

We have included the actual process in the *Purchasing* policy, and referenced the Board's option of using the competitive online solicitation process in the policy entitled *Bids and Quotations*. These provisions became effective July 1, 2011.

Bids and Quotations has also been revised to include language from Act 81, amending La. Rev. Stat. Ann. §§38:2212 and :2212.1, which allows public entities to require that all public bids be submitted electronically.

EMPLOYEE CONDUCT DISMISSAL OF EMPLOYEES

In 2010, legislation was passed which required bus operators to inform the School Board of arrests or citations for certain offenses. This year, the legislature passed Act 267, which requires **all** employees to report, within certain timeframes, arrests for certain sexual offenses. The Act creates La. Rev. Stat. Ann. §17:16, which requires that any school employee report arrests for violation of La. Rev. Stat. Ann. §§14:42 through 14:43.5, dealing with rape and sexual battery; §§14:80 through 14:81.5, dealing with sexual offenses affecting minors; any other sexual offenses affecting minors; any crimes provided in §15:587.1; or any justified complaint of child abuse or neglect on file in the central registry pursuant to Article 615 of the Louisiana Children's Code. The report shall be made to the person specified by the Board, and made within twenty-four (24) hours of the arrest, with certain exceptions. The Act's provisions take effect on January 1, 2012. The Louisiana Board of Elementary and Secondary Education has adopted regulations that basically follow the provisions of Act 267. These can be found in §502 of Bulletin 741, *Louisiana Handbook for School Administrators*.

The Act states the School Board shall suspend, with or without pay, any school employee who fails to comply with the provisions of the Act and who is serving a probationary term or for whom laws relative to probation and tenure do not apply. It also states that a tenured employee shall be subject to

removal under applicable statutes for failure to comply. The language does not address suspension of tenured employees, nor does it address dismissal of probationary employees, which is puzzling, unless the implication is that both those omissions are covered by other statutes.

As defined for the purposes of the Act, *school employee* includes **any** employee of a city, parish, or other local public School Board or other governing authority of a public elementary or secondary school, including a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, and shall include all temporary, part-time, and permanent school employees. The wording may seem a bit confusing, but we and others are interpreting this to essentially mean **all** employees of a School Board.

The *Employee Conduct* policy has been revised to include the specific requirements of the Act regarding reporting requirements and timelines. Additionally, a sentence has been added to policy *Dismissal of Employees*, which addresses the dismissal of employees for failure to properly report the arrests for the sexual offenses included in the Act.

HAPPY THANKSGIVING!!

