Louisiana
Licensing & Other Barriers to Growing Occupations That Unfairly Exclude People with Records

One in three Louisiana adults, disproportionately people of color, have an arrest or conviction record that may prevent them from working in a variety of occupations regulated by the state. Louisiana requires a license or certification for some of the largest and fastest-growing professions, such as healthcare occupations. While Louisiana has enacted positive new laws expanding the rights of people with records, many occupational licensing boards and agencies still have broad discretion to reject applicants based on unrelated or old convictions—an unfair result that undermines economic health, government efficiency, community wellbeing, and racial equity.

Four major industries—healthcare, K-12 education, childcare, and private security—stand out as including large, growing occupations, for which Louisiana law requires a criminal background check. These occupations account for over 1 in 10 annual job openings in Louisiana and are, collectively, growing at a rate of 12.5%, which is well above the average growth rate (8.3%) for occupations in the state.

Barriers to Rapidly Growing Healthcare Professions

Healthcare professions include some of the fastest-growing occupations in Louisiana, measured by both the number of new jobs being created and the percent growth. While employers cite difficulties in filling many healthcare job openings, Louisiana background check restrictions often block qualified workers with records from filling certain healthcare positions. The standards used to evaluate a person’s record in these fields remain vague, overly restrictive, and often inadequately tailored to the goals of advancing community safety, economic growth, government efficiency, and racial equity.

Rapid Growth in LA Licensed Healthcare Occupations, 2016–2026

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Basis for Disqualification</th>
<th>Non-Conviction Information</th>
<th>Relevancy &amp; Procedural Protections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Nurse³</td>
<td>Mandatory, permanent disqualification for enumerated violent and sex offenses.</td>
<td>May consider expunged and pardoned convictions, “nolo contendere” pleas, and withheld adjudications.⁴</td>
<td>No express requirement to consider time since offense, nature of offense, or relatedness of offense to occupations.</td>
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<td>Mandatory, 5-year disqualification for broad list of felony and misdemeanor offenses.</td>
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<td>Vague “good moral character” requirement.</td>
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<td>Discretionary disqualification if “guilty of moral turpitude” or convicted of offense showing lack of regard for “health and safety of clients or patients.”</td>
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Legend:
- Enhances equity
- Potential for bias
- Source of unfairness

## Barriers to Careers in K-12 Education, Childcare, and Private Security

Roughly 88,000 Louisiana workers are employed in K-12 education jobs that require certification or as childcare workers or private security guards. Over 9,000 job openings in those fields emerge each year, and that number continues to increase. Despite the growing need for qualified applicants, Louisiana law prevents many people with records from obtaining the certification or other clearances that would enable them to fill those vacancies.

### Standards Applicable to All School Employees

Even for non-licensed positions, Louisiana law requires fingerprinting of all employees at public and private schools. Schools are prohibited from hiring individuals who have ever been convicted of a range of violent, sex, and drug offenses. In addition to vague moral character requirements, the Louisiana State Board of Practical Nurse Examiners provides a lengthy list of offenses that may prevent an applicant from sitting for the state exam—even if expunged or pardoned. While the Board may deny applicants for additional offenses, it expressly lists dozens of disqualifying offenses—as insignificant as “unauthorized use of food stamps.” Although not mandatory, this lengthy list certainly has a chilling effect on potential applicants.

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<td><strong>K-12 Teacher</strong>&lt;sup&gt;8&lt;/sup&gt; (Bd. of Elementary &amp; Secondary Educ.)</td>
<td>- Mandatory, permanent disqualification for a range of violent, sex, and drug offenses (felonies and misdemeanors).&lt;sup&gt;4&lt;/sup&gt; &lt;br&gt; - Mandatory, 5-year disqualification for any other felony (discretionary thereafter).&lt;sup&gt;4&lt;/sup&gt;</td>
<td>- May consider expunged, pardoned, and set-aside convictions, “nolo contendere” pleas, withheld adjudications, and pretrial diversions.&lt;sup&gt;4&lt;/sup&gt;</td>
<td>- No express requirement to consider time since offense, nature of offense, and relatedness of offense to occupation.&lt;sup&gt;4&lt;/sup&gt;</td>
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<td><strong>Childcare Worker</strong>&lt;sup&gt;9&lt;/sup&gt;</td>
<td>- Mandatory disqualification for a range of violent, sex, and drug offenses.&lt;sup&gt;4&lt;/sup&gt;</td>
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<td><strong>Private Security Guard</strong>&lt;sup&gt;10&lt;/sup&gt; (Bd. of Priv. Sec. Examiners)</td>
<td>- Mandatory, permanent disqualification for “any crime of violence.”&lt;sup&gt;4&lt;/sup&gt; &lt;br&gt; - Mandatory, 10-year disqualification for any felony.&lt;sup&gt;4&lt;/sup&gt;</td>
<td>- Disqualifying offenses are generally limited to convictions.&lt;sup&gt;4&lt;/sup&gt;</td>
<td>- No express requirement to consider time since offense, nature of offense, and the relatedness of offense to occupation.&lt;sup&gt;4&lt;/sup&gt;</td>
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Recommended Fair Chance Licensing Reforms for Louisiana

Adopt reasonable limits on the discretion of the boards and agencies to ensure that people with arrest and conviction records have fair access to careers requiring an occupational license or certification.

1. **Expand recently adopted reforms, including the “Licenses for Ex-Offenders Act of 2017,”** to benefit more workers:
   - Extend the 2017 law beyond occupations that require a “license” to also include occupational certifications, employer background checks, and other non-license credentials.
   - Broaden the reforms to cover currently exempted demand occupations, such as most healthcare jobs.

2. **Build on existing positive features of state law,** by adopting comprehensive reforms that have already been embraced by other states:
   - Eliminate the many blanket, lifetime disqualifications in current law in favor of standards that take into account the age and nature of the offense and its relationship to the specific duties of the profession.
   - Establish a clear process requiring consideration of evidence of rehabilitation and other mitigating circumstances and allowing the individual to challenge the accuracy of any background check report.

3. **Build on the transparency and accountability features of the 2017 law:**
   - Audit boards and agencies to ensure compliance with reforms.
   - Require the collection and reporting of data, such as the number of people denied licenses or certifications because of an arrest or conviction record.
   - Authorize a study documenting the impact of conviction history restrictions on the number of people applying to be licensed or certified for careers regulated by the state.

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**Vague Terminology Increases Unpredictable Outcomes & Discrimination**

Laws and regulations that invoke vague standards—such as “guilty of moral turpitude” and “good moral character”—reduce predictability, consistency, and fairness among decisions, while allowing implicit bias to impact outcomes.

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**Promote Fairness by Considering Common-Sense Relevancy Factors**

To comply with Title VII of the Civil Rights Act of 1964, employers should consider three simple, common-sense factors when contemplating a record-related rejection:

1. **Nature and gravity of the offense;**
2. **Time that has passed since the offense;** and
3. **Nature of the job**

Fair and effective occupational licensing laws similarly require state agencies to weigh the time since an offense and prohibit exclusions based on convictions that are unrelated to the occupation.

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**ENDNOTES**

4. A “nolo contendere” plea does not admit guilt.


Louisiana boards that issue an occupational “license, permit or certificate” are also governed by La. Stat. Ann. § 37:2950, requiring that a disqualifying offense “directly relates” to the specific occupation and that the individual be provided a statement of reasons for the criminal record disqualification.