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ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

SEP 30 2013
OPINION 13-0144

78 DUAL OFFICEHOLDING

Honorable Katrina R. Jackson
State Representative-District 16
1051 Kansas Lane
Monroe, Louisiana 71203

La. R.S. 42:61, *et seq.*

The Facilitator of Research-Based Educational Practices at LSU HSC New Orleans is employed in a professional educational capacity for the purpose of La. R.S. 42:66(B).

Dear Representative Jackson:

You have requested an Attorney General Opinion as to whether the Facilitator of Research-Based Educational Practices at Louisiana State University Health Science Center New Orleans ("LSU HSC New Orleans") would be considered a person employed in a professional educational capacity for the purpose of La. R.S. 42:66(B).

Louisiana Revised Statute 42:66 sets out exceptions to the Dual Officeholding Law prohibitions. It provides, in pertinent part:

Nothing in this Part [the Dual Officeholding Law] shall be construed to prevent a school teacher or person employed in a professional educational capacity in a grade school, high school, other educational institution, parish or city school board from holding at the same time an elective or appointive position.

La. R.S. 42:66(B) (emphasis added).

Our office has previously opined as to whether a person is employed in a professional educational capacity. La. Atty. Gen. Op. Nos. 10-0149, 96-49, 94-367, 94-371 and 93-33. This professional educational capacity exception exempts individuals whose employment concerns the educational process. La. Atty. Gen. Op. No. 94-278.

According to the information you provided, the Facilitator of Research-Based Educational Practices is required to have a teaching certificate and participates in the Louisiana Teachers Retirement System. Further, the materials you provided indicate that this position is under the supervision of the Program Director of the Autism and Related Disabilities Project of the Human Development Center. Based on the job

description you submitted with your opinion request, the specific duties of this position include the following: working in classrooms with teachers to evaluate disabled students needs; providing technical assistance and consultations in schools on a regular basis; conducting group training for schools, districts and parents; and planning, coordinating and conducting education workshops.

Based on the information you provided, the Facilitator of Research-Based Educational Practices position would be considered a person employed in a professional educational capacity.

This opinion is limited to an examination of La. R.S. 42:66(B) and the material you provided. Please note that it does not address the potential applicability of the provisions of the Louisiana Code of Governmental Ethics, La. R.S. 42:1111, *et seq.* Advisory rulings addressing questions under the Ethics Code are within the jurisdiction of the Louisiana State Board of Ethics. The Board may be contacted at the following address: P.O. Box 4368, Baton Rouge, LA 70821, phone: 225-219-5600.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

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ATTORNEY GENERAL

BY


Jessica MP Thornhill
Assistant Attorney General

JDC: JMPT