

Regular Session, 2014

HOUSE BILL NO. 987

BY REPRESENTATIVE THOMPSON

TEACHERS: Provides relative teacher tenure and the removal of teachers

1 AN ACT

2 To amend and reenact R.S. 17:442(C)(1) and 443(B), relative to teachers and administrators;
3 to provide relative to tenure; to provide relative to removal of a teacher or
4 administrator; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17: 442(C)(1) and 443(B) are hereby amended and reenacted to read
7 as follows:

8 §442. Tenure

9 * * *

10 C.(1) ~~Beginning with the 2013-2014 school year, a~~ A tenured teacher who
11 receives a performance rating of "ineffective" pursuant to the performance evaluation
12 program as provided in R.S. 17:3881 through 3905 shall immediately lose his tenure
13 and all related rights ~~related thereto~~. ~~If a~~ A teacher who is rated "highly effective"
14 based on the evidence of the growth portion of the evaluation but is rated
15 "ineffective" according to the observation portion, within thirty days after such
16 finding, ~~the teacher~~ shall be entitled to a second observation by members of a team
17 of three designees, chosen by the local superintendent, which shall not include the
18 principal.

19 * * *

1 §443. Removal of teachers; procedure; right to appeal

2 * * *

3 B.(1) A teacher with tenure shall not be removed from office except upon
4 written and signed charges of poor performance, willful neglect of duty,
5 incompetency, dishonesty, immorality, or of being a member of or contributing to
6 any group, organization, movement, or corporation that is by law or injunction
7 prohibited from operating in the state of Louisiana, and then only if furnished with
8 a copy of such written charges and given the opportunity to respond. The teacher
9 shall have seven days to respond, and such response shall be included in the teacher's
10 personnel file. At the end of this seven-day time period, the superintendent may
11 terminate the teacher's employment. A teacher shall not be terminated for an
12 "ineffective" performance rating until completion of the grievance procedure
13 established pursuant to R.S. 17:3883(A)(5) if a grievance was timely filed. Within
14 seven days after dismissal, a teacher may request and upon request shall be granted
15 a hearing by a ~~panel~~ committee composed of a designee of the superintendent, a
16 designee of the principal or the administrative head of the state special school in
17 which the teacher was employed, and a designee of the teacher. In no case shall the
18 superintendent, the principal or state special school administrative head, or teacher
19 designate an immediate family member or any full-time employee of the school
20 system by which the teacher was employed who is under the supervision of the
21 person making the designation. Such hearing may be private or public, at the option
22 of the teacher, and shall begin within seven business days after receipt of the
23 teacher's request for such hearing. The teacher shall have the right to appear before
24 the tenure hearing ~~panel~~ committee with witnesses on his behalf and with counsel of
25 his selection, all of whom shall be heard by the ~~panel~~ committee at the hearing. For
26 the purpose of conducting hearings hereunder, the ~~panel~~ committee shall have the
27 power to issue subpoenas to compel the attendance of all witnesses. Nothing herein
28 contained shall impair the right to seek supervisory review from a court of competent
29 jurisdiction.

days after such finding, the teacher shall be entitled to a second observation by members of a team of three designees, chosen by the local superintendent, which shall not include the principal.

Present law provides for the grounds for termination of a teacher and the procedures to be followed when terminating the employment of a teacher.

Proposed law deletes obsolete provisions and clarifies present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17: 442(C)(1) and 443(B))