

Regular Session, 2009

SENATE BILL NO. 87

BY SENATOR LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BESE. Allows BESE to determine the requirements for experienced teachers' participation in the Teacher Assistance and Assessment Program. (gov sig)

AN ACT

To amend and reenact R.S. 17:3881(B)(2), 3882(2) and (6)(a), 3883(A), 3884(B) (introductory paragraph) and (C), 3891(A), 3892, 3893, 3894(A), 3895, and 3905, relative to the Teacher Assistance and Assessment Program; to provide relative to the definition of "teacher" for program purposes; to provide relative to exemption of teachers with certain experience from program participation; to provide for the respective responsibilities of the State Board of Elementary and Secondary Education and local school boards regarding program development and implementation; to delete provisions relative to state board responsibility for mentor and assessor training, staff development, program monitoring, grievance procedures, and due process procedures; to provide relative to local board development and implementation of teacher assistance and assessment programs; to delete the requirement that persons teaching without a standard certificate participate in the program; to delete provisions regarding the composition of teacher assessment teams; to provide relative to credit for certain teaching experience; to provide relative to reporting requirements; to provide for program rules and regulations; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 17:3881(B)(2), 3882(2) and (6)(a), 3883(A), 3884(B)(introductory  
3 paragraph) and (C), 3891(A), 3892, 3893, 3894(A), 3895, and 3905 are hereby amended and  
4 reenacted to read as follows:

5 §3881. Purpose

6 \* \* \*

7 B.(1) \* \* \*

8 (2) It is further the purpose of the teacher assistance and assessment program  
9 to provide assurance to the state, prior to the issuance of a **permanent higher-level**  
10 **standard Louisiana** teacher certificate, that the new teaching employee  
11 demonstrates competency in the understanding and use of the basic components of  
12 effective teaching determined by the state to be the basis for effective professional  
13 performance.

14 \* \* \*

15 §3882. Definitions

16 For the purposes of this Part, the following definitions shall apply:

17 \* \* \*

18 (2) "Assessment" means the process ~~by which the state determines~~  
19 **developed and implemented by city, parish, and other local public school**  
20 **boards, pursuant to rules and guidelines adopted by the State Board of**  
21 **Elementary and Secondary Education in accordance with the Administrative**  
22 **Procedure Act, to determine** whether a teacher who is seeking to retain or acquire  
23 a ~~regular~~ **standard Louisiana** teacher certificate can sufficiently demonstrate the  
24 components of effective teaching to qualify for the teaching credential being sought.

25 \* \* \*

26 (6)(a) For the purposes of the Teacher Assistance and Assessment Program,  
27 "teacher" means any full-time employee of a local board who is engaged to directly  
28 and regularly provide instruction to students in any elementary, secondary, or special  
29 education school setting who is not an administrator, who is so employed for the first

1 time in a school in this state ~~after August 1, 1994~~, and who either holds a regular  
 2 **standard Louisiana** teaching certificate, ~~which when issued was valid for three~~  
 3 ~~years or who is authorized under law or board regulation to teach temporarily while~~  
 4 ~~seeking a regular teaching certificate.~~ For the purposes of the Teacher Assistance  
 5 and Assessment Program, "teacher" shall not include any experienced teacher  
 6 ~~moving to Louisiana from another state and who provides appropriate evaluation~~  
 7 ~~results from his immediate previous teaching assignment~~ **as such is defined by the**  
 8 **State Board of Elementary and Secondary Education pursuant to rules and**  
 9 **regulations adopted in accordance with the Administrative Procedure Act.**

10 \* \* \*

11 §3883. State Board of Elementary and Secondary Education; powers and duties

12 A. The board shall:

13 (1) Establish the components of effective teaching. These components shall  
 14 be periodically reviewed and revised as becomes appropriate with increased  
 15 experience and knowledge.

16 (2) Develop, adopt, and promulgate all rules necessary for the  
 17 implementation of this Part.

18 (3) ~~Set standards for the assessment teams in the assistance and assessment~~  
 19 ~~program~~ **Establish guidelines for city, parish, and other local public school**  
 20 **boards** to use in determining whether the teacher has successfully completed the  
 21 assistance and assessment program and met the assessment qualifications for  
 22 retaining or acquiring regular **a higher-level standard Louisiana** teacher  
 23 certification.

24 (4) ~~Provide for the training of all mentor teachers and assessors for the~~  
 25 ~~teacher assistance and assessment program as well as provide for the basis for~~  
 26 ~~necessary training for those doing evaluations pursuant to the school personnel~~  
 27 ~~evaluation.~~

28 (5) ~~Conduct training and regular staff development in evaluation skills as~~  
 29 ~~needed.~~

30 (6) Require the department to monitor the assistance and assessment program

1        ~~established pursuant to the provisions of this Part. The method to be used in~~  
 2        ~~monitoring the program shall be established by the department with the approval of~~  
 3        ~~the board and shall be sufficient to determine whether a program has been~~  
 4        ~~implemented, to what extent it has been implemented, and whether such program~~  
 5        ~~complies with the provisions of this Part.~~

6                ~~(7)(a) Create, by rule, a system to provide a grievance procedure for any~~  
 7        ~~teacher or administrator aggrieved by any result or action which results from the~~  
 8        ~~implementation of this Part.~~

9                ~~(b) Such a system shall contain, at a minimum, provisions for the following:~~

10                ~~(i) That the teacher or administrator be provided a copy of the assessment or~~  
 11        ~~evaluation and the assessors' or evaluators' data recording forms and any~~  
 12        ~~documentation related thereto and be entitled to respond as provided in R.S. 17:3884.~~

13                ~~(ii) That the teacher or administrator be assured of due process, including~~  
 14        ~~representation, in all aspects of the assessment and evaluation grievance procedures,~~  
 15        ~~including that any hearing officer required to conduct a hearing on a grievance shall~~  
 16        ~~be an employee of or contracted by the office of the attorney general.~~

17                ~~(iii) That the agencies and their employees, whether state or local, shall~~  
 18        ~~administer the program in a fair, objective, and consistent manner, and shall comply~~  
 19        ~~with all rules and regulations adopted by the board and that the failure to do so shall~~  
 20        ~~be a grievable matter.~~

21                ~~(8) Repealed by Acts 2000, 1ES, No. 38, §2, eff. 4/14/2000.~~

22                                \*        \*        \*

23        §3884. Assessment and evaluation records; response; access

24                                \*        \*        \*

25                B. Copies of the assessment or evaluation results and any documentation  
 26        related thereto of any school employee ~~may~~ **shall** be retained by the local board, the  
 27        board, or the department and, if retained, are confidential, do not constitute a public  
 28        record, and shall not be released or shown to any person except:

29                                \*        \*        \*

30                C. The superintendent of education **of each city, parish, or other local**

1 **public school system** shall make available to the public such data as may be useful  
 2 for conducting statistical analyses and evaluations of educational personnel, but shall  
 3 not reveal information pertaining to the assessment and evaluation report of a  
 4 particular employee.

5 \* \* \*

6 §3891. Applicability

7 A.(1) ~~Beginning August 1, 1994, the Teacher Assessment Program~~ **The**  
 8 **Teacher Assistance and Assessment Program** is established and successful  
 9 completion of the program is required for all teachers entering service for the first  
 10 time in the public schools of this state ~~after August 1, 1994,~~ to retain or acquire a  
 11 ~~regular~~ **standard Louisiana** teaching certificate as provided in ~~R.S. 17:3896,~~ as  
 12 ~~R.S.17:3896~~ existed prior to August 1, 1998 **R.S. 17:3895**. Beginning August 1,  
 13 1998, any **A** teacher with teaching experience ~~in another state~~ who enters service for  
 14 the first time in the public schools of this state and provides appropriate evaluation  
 15 results ~~from such teacher's immediate previous teaching assignment~~ shall be  
 16 exempted from the provisions of this Subpart **as determined by the State Board of**  
 17 **Elementary and Secondary Education pursuant to rules and regulations**  
 18 **adopted in accordance with the Administrative Procedure Act.**

19 (2) ~~Beginning August 1, 1998, the Teacher Assessment Program shall be~~  
 20 ~~known as the Teacher Assistance and Assessment Program.~~

21 \* \* \*

22 §3892. Teacher assistance and assessment program; ~~assignment of mentor~~  
 23 **mentoring**

24 A. ~~Except as provided in Subsections B and C of this Section,~~ each **Each**  
 25 teacher shall be assigned by the school principal in the school where the teacher is  
 26 employed, an experienced teacher who will serve as a mentor. In selecting the  
 27 mentor teacher, the principal shall consider the level of familiarity of available  
 28 teachers with instruction of students in the same grade or in the same subject as the  
 29 teacher to be assessed.

30 B. ~~When no experienced teacher who is qualified to serve as a mentor is~~

1 available within the school the principal shall choose another mentor based on a plan  
 2 developed and adopted by the board for assuring each teacher the best possible  
 3 assistance and support. **Each city, parish, and other local public school board**  
 4 **shall develop and adopt a program for high-quality new teacher induction,**  
 5 **including mentoring, assistance, and support in accordance with rules and**  
 6 **guidelines adopted by the State Board of Elementary and Secondary Education.**

7 C. When a teacher is employed in a situation where there is no principal, the  
 8 equivalent level supervisor of the teacher shall assign a mentor.

9 D. During the assistance period the mentor teacher shall perform such duties  
 10 and responsibilities as established by board policy.

11 \* \* \*

12 §3893. Teacher assistance and assessment program; process; effect of participation

13 A.(1) ~~An assessment team consisting of at least two trained assessors shall~~  
 14 ~~be assigned to conduct the assessment process. Members of the team shall be~~  
 15 ~~selected in accordance with board policy from among the following groups:~~

- 16 (a) ~~Experienced teachers.~~
- 17 (b) ~~Principals or their designees.~~
- 18 (c) ~~Higher education faculty members.~~
- 19 (d) ~~Central office administrators.~~
- 20 (e) ~~Retired teachers.~~
- 21 (f) ~~Retired administrators.~~
- 22 (g) ~~Other educators as deemed appropriate.~~

23 (2) ~~Each local school board shall provide for the selection of a sufficient~~  
 24 ~~number of persons from each category of assessor as specified in Paragraph (1) of~~  
 25 ~~this Subsection to provide a pool of potential assessors.~~

26 **A. Each city, parish, and other local public school board shall develop**  
 27 **and implement a process whereby to assess teachers participating in the teacher**  
 28 **assistance and assessment program in accordance with rules and guidelines**  
 29 **adopted by the State Board of Elementary and Secondary Education.**

30 B. The assessment team shall conduct and complete the assessment process

1 ~~in accordance with board policy.~~

2 ~~C.~~ **B.** Teachers who have ~~been successful on the assessment shall have~~  
3 successfully completed the assistance and assessment program and shall enter the  
4 school personnel evaluation program conducted by their local board, pursuant to  
5 Subpart C of this Part. Teachers who have not been successful shall repeat the  
6 assistance and assessment program during their next semester of teaching in  
7 **accordance with local board policy.** Any teacher who does not successfully  
8 complete the assistance and assessment program by the end of his second year shall  
9 lose his teacher certificate or other authority to teach. Such a person may not be  
10 granted any authority to teach until two years have expired since the completion of  
11 his second year of teaching and, if granted a subsequent certificate or other authority,  
12 shall be deemed to be teaching in the public schools for the first time as it relates to  
13 participation in the assistance and assessment program and successful completion of  
14 assessment as a requirement to acquiring or retaining ~~regular~~ **standard Louisiana**  
15 teacher certification. A second failure to complete the assistance and assessment  
16 program shall result in the permanent loss of all authority to teach in the public  
17 schools of this state.

18 ~~D.~~ **C.** Nothing contained in this Section shall diminish the right of the local  
19 board to evaluate employees or to make employment decisions or of principals and  
20 other employees with supervisory responsibilities to observe the employees they  
21 supervise.

22 ~~E.~~ **D.**(1) The service of a teacher, as defined for the purposes of this Subpart,  
23 shall be considered the service of a fully certified teacher for all purposes of the  
24 school system related to funding, calculation of minimum foundation funds,  
25 accreditation, or approval or for any other purpose, administrative, substantive, or  
26 otherwise.

27 (2) Further, participation in the teacher assistance and assessment program  
28 shall have no effect on the service of the teacher as it relates to entitlement to all  
29 benefits including retirement, accrual of leave time, progress on the salary schedule,  
30 and any other benefit calculation or consideration to which he would otherwise be

1 entitled.

2

3

\* \* \*

4 §3894. Local boards; duties and powers

5 A. Each local board shall:

6 ~~(1) Make whatever arrangements are necessary to use persons who have~~  
7 ~~been identified and approved under board rules for use as assessors and mentors.~~

8 ~~(2)~~ **(1)** Provide whatever release time from classroom or other duties as is  
9 necessary for mentors and assessors to perform their duties under this Subpart.

10 ~~(3)~~ **(2)** Inform each teacher of the provisions of this Subpart.

11 ~~(4)~~ **(3)** Provide whatever assistance is necessary or helpful in assuring that the  
12 purposes of this Subpart are achieved.

13

\* \* \*

14 §3895. Teaching credentials; ~~regular certification, permanent certification;~~ effect of  
15 assessment

16 ~~A. For teachers who are employed pursuant to authority of law or rules~~  
17 ~~allowing a person to be employed to teach without a regular teacher certificate, the~~  
18 ~~issuance of a regular teacher certificate shall be conditioned upon the successful~~  
19 ~~completion of the teacher assistance and assessment program in addition to any other~~  
20 ~~requirements of law or rule.~~

21 B. **A.** For teachers who hold a **regular standard Louisiana** teacher  
22 certificate ~~which is valid for three years,~~ the issuance of a **permanent regular higher-**  
23 **level standard Louisiana** teaching certificate shall be conditioned upon the  
24 successful completion of the teacher assistance and assessment program ~~in addition~~  
25 ~~to any other requirements of law or rule~~ **or appropriate evaluation results as**  
26 **determined pursuant to rules and regulations adopted by the State Board of**  
27 **Elementary and Secondary Education in accordance with the Administrative**  
28 **Procedure Act.**

29 C. **B.** The board shall make rules which shall provide for the extension of the  
30 validity of a **regular standard Louisiana** teacher certificate otherwise good for only

1 three years to provide for interrupted service or other circumstances as deemed  
2 appropriate by the board.

3 ~~D. The assessment of any teacher who has been issued a regular teacher~~  
4 ~~certificate but is assigned teaching duties not included within the certificate shall~~  
5 ~~pertain to the status of his regular teacher certificate without regard to such teaching~~  
6 ~~assignment.~~

7 ~~E. Persons who seek a regular teacher certificate and hold a teacher~~  
8 ~~certificate from another state and have out-of-state teaching experience of three years~~  
9 ~~or more shall not be credited with their years of teaching experience in the issuance~~  
10 ~~of any teaching credential until successful completion of the teacher assistance and~~  
11 ~~assessment program or approval of previous successful teaching experience in lieu~~  
12 ~~of participation in the teacher assistance and assessment program.~~

13 \* \* \*

14 §3905. Reports to the department

15 The department may request **Upon request of the department,** a local board  
16 ~~to~~ **shall** submit to the department the local evaluation plan and the accountability  
17 relationships registry, including such revisions as are made for the succeeding  
18 evaluation period.

19 \* \* \*

20 Section 2. This Act shall become effective upon signature by the governor or, if not  
21 signed by the governor, upon expiration of the time for bills to become law without signature  
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
24 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Jeanne C. Johnston.

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DIGEST

Long (SB 87)

Revises the La. Teacher Assistance and Assessment Program (LaTAAP) as follows:

Present law (R.S. 17:3881(B)(2)) provides that a purpose of the program is to provide

assurance that a new teaching employee understands and is able to use the basic components of effective teaching prior to the issuance of a permanent teacher certificate.

Proposed law retains this provision but replaces the term "permanent" with "standard Louisiana" to reflect the new teacher certification terminology.

Present law (R.S. 17:3882(2)) defines "assessment" as the process by which the state determines whether a teacher seeking to retain or acquire state certification meets state standards.

Proposed law shifts responsibility for the teacher assessment process from the state to local school boards and provides that "assessment" means the process developed and implemented by city, parish, and other local public school boards, pursuant to rules and guidelines adopted by the State Board of Elementary and Secondary Education (BESE) to determine whether a teacher seeking state certification meets established standards.

Present law (R.S. 17:3882(6)(a)) defines "teacher" for program purposes as any full-time employee of a local school board employed for the first time in this state and engaged to directly and regularly provide instruction to students in a school setting who is not an administrator and who either holds a regular teaching certificate, which when issued was valid for 3 years or who is authorized to teach temporarily while seeking a regular teaching certificate.

Proposed law updates certification terminology and deletes persons teaching without a certificate while seeking certification from the definition of "teacher" for program purposes.

Present law (R.S. 17:3882(6)(a)) further provides that "teacher" shall not include an experienced teacher moving to Louisiana from another state who provides an appropriate evaluation from his immediate teaching assignment.

Proposed law deletes this provision and instead provides that "teacher" shall not include any experienced teacher as such is defined by BESE.

Present law (R.S. 17:3883(A)) requires BESE to:

- (1) Establish the components of effective teaching.
- (2) Set standards for assessment teams utilized in the program.
- (3) Provide for training of all mentor teachers and assessors and provide the basis for the training of evaluators.
- (4) Conduct training and staff development
- (5) Require the Department of Education to monitor program implementation.
- (6) Create a grievance system for teachers and administrators aggrieved by any result of program implementation.

Proposed law retains the requirement that BESE establish the components of effective teaching, but deletes all other provisions of present law and instead requires BESE to establish guidelines for local school boards to use in determining whether a teacher has successfully completed the teacher assistance and assessment program developed at the local level.

Present law (R.S. 17:3884(B)(intro. para.)) provides that the local school board may retain copies of assessment or evaluation results and related documentation and that such are confidential and do not constitute a public record.

Proposed law retains present law but requires local school boards to retain such records.

Present law (R.S. 17:3884(C)) requires the state superintendent of education to make aggregate data available to the public that might be useful for conducting statistical analysis and evaluations of educational personnel.

Proposed law shifts this responsibility from the state superintendent of education to the superintendent of each city, parish, or other local public school board.

Present law (R.S. 17:3891(A)) provides for the Teacher Assistance and Assessment Program and requires all teachers entering service for the first time in the public schools of this state after August 1, 1994, to successfully complete the program to retain or acquire a regular teaching certificate as provided in state law.

Proposed law retains present law but updates teacher certification terminology, removes references to dates that are no longer relevant to program implementation and corrects an erroneous statutory reference.

Present law also provides that beginning August 1, 1998, any teacher with teaching experience "in another state" who enters service for the first time in the state's public schools who provides appropriate evaluation results from their immediate previous teaching assignment shall be exempt from program participation.

Proposed law instead provides that a teacher with "out-of-state" teaching experience who enters service for the first time in the state's public schools and who provides appropriate evaluation results shall be exempted from program participation as determined by rules and regulations adopted by BESE in accordance with the Administrative Procedure Act.

Present law (R.S. 17:3892) provides that each new teacher be assigned an experienced teacher by the school principal to serve as a mentor who shall perform duties and responsibilities as established by BESE policy.

Proposed law retains the mentor teacher requirement but eliminates BESE responsibility and instead requires each local school board to develop and adopt a program for high-quality new teacher induction, including mentoring, assistance, and support in accordance with BESE rules and guidelines.

Present law (R.S. 17:3893(A) and (B)) require that an assessment team of at least two assessors be assigned to conduct the teacher assessment process and provides that team members be selected in accordance with BESE policy from specified groups. Further requires each local school board to select a sufficient number of persons from each BESE specified category to provide a pool of potential assessors. Provides that assessment teams will conduct and complete the teacher assessment process in accordance with BESE policy.

Proposed law deletes these provisions and instead requires each local school board to develop and implement a process by which to assess teachers participating in the program in accordance with BESE rules and guidelines.

Present law (R.S. 17:3894(A)) requires each local school board to:

- (1) Make necessary arrangements to use persons identified and approved under BESE rules for use as assessors and mentors.
- (2) Provide release time from classroom and other duties necessary for mentors and assessors to perform their duties.
- (3) Inform each teacher of program requirements.
- (4) Provide assistance as necessary to achieve program purposes.

Proposed law deletes the provisions requiring BESE approved assessors and mentors but retains remaining provisions of present law.

Present law (R.S. 17:3895(A)) provides that for teachers without a regular teacher certificate, issuance of a regular teacher certificate is conditioned upon successful completion of the teacher assistance and assessment program.

Proposed law deletes this requirement.

Present law (R.S. 17:3895(A) and (B)) provides that teachers with a regular teaching certificate issued for three years must successfully complete the program before they are issued a permanent teaching certificate.

Proposed law updates the teacher certificate terminology and provides that a teacher who holds a standard Louisiana teacher certificate must successfully complete the program before being issue a higher-level standard Louisiana teaching certificate. Proposed law also allows appropriate evaluation results as determined by BESE rules and regulations to substitute for successful completion of the teacher assistance and assessment program.

Present law (R.S. 17:3895(D)) provides that assessment of a teacher teaching outside their field of certification must pertain to the status of their certification.

Proposed law deletes this provision.

Present law (R.S. 17:3895(E)) provides that teachers with certification from another state and out-of-state teaching experience shall not be credited with their years of teaching experience in the issuance of their Louisiana certification until successful completion of the program or approval of previous successful teaching experience in lieu of program participation.

Proposed law repeals this provision.

Present law (R.S. 17:3905) provides that the Dept. of Education may request a local school board to submit the local evaluation plan and accountability relationships registry.

Proposed law instead requires a local board, upon request of the department to submit such documents to the department.

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

(Amends R.S. 17:3881(B)(2), 3882(2) and (6)(a), 3883(A), 3884(B)(intro para) and (C), 3891(A), 3892, 3893, 3894(A), 3895, and 3905)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill.

1. Makes technical changes to correct outdated terminology relative to types of teaching certificates.
2. Redefines roles and responsibilities of BESE and local school boards in implementing LaTAAP.
3. Removes BESE's primary responsibility for program development and implementation and places the board in an advisory and regulatory role.
4. Requires each local school board to develop and implement a program of new teacher induction, including mentoring, assistance, support, and assessment, in accordance with BESE rules and guidelines.
5. Eliminates requirement that uncertified teachers working on achieving certification participate in LaTAAP.