

ACT No. 54

HOUSE BILL NO. 1033

BY REPRESENTATIVES HOFFMANN, AUSTIN BADON, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHAMPAGNE, CONNICK, GISCLAIR, HARDY, KATZ, LABRUZZO, LIGI, NOWLIN, ROBIDEAUX, SIMON, SMILEY, WILLIAMS, AND WOOTON AND SENATORS APPEL, DONAHUE, DUPLESSIS, MARTINY, AND QUINN

1 AN ACT

2 To amend and reenact R.S. 17:10.1(B) and (C), Subpart A of Part II of Chapter 39 of Title
3 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3881
4 through 3886, Subpart C of Part II of Chapter 39 of Title 17 of the Louisiana Revised
5 Statutes of 1950, to be comprised of R.S. 17:3901 through 3905, and R.S.
6 17:3997(D), to enact R.S. 17:10.1(D), and to repeal Subpart B of Part II of Chapter
7 39 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3891
8 through 3895, relative to professional employee quality development; to provide for
9 evaluation programs for teachers and administrators; to provide for program
10 purposes and definitions; to provide for local evaluation plans and elements required
11 for such plans; to provide relative to the powers and duties of the State Board of
12 Elementary and Secondary Education and local school boards; to provide for an
13 advisory committee to make recommendations relative to the development of a
14 value-added assessment model; to require the state superintendent of education to
15 make certain information available to the public; to provide conditions for the
16 issuance of teacher and higher level certificates; to delete requirements relative to
17 informal evaluations; to require reporting; to provide for applicability; to provide for
18 effectiveness; to repeal provisions relative to the Teacher Assistance and Assessment
19 Program; and to provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

21 Section 1. R.S. 17:10.1(B)and (C), Subpart A of Part II of Chapter 39 of Title 17 of
22 the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3881 through 3886, Subpart
23 C of Part II of Chapter 39 of Title 17 of the Louisiana Revised Statutes of 1950, comprised
24 of R.S. 17:3901 through 3905, and R.S. 17:3997(D) are hereby amended and reenacted and
25 R.S. 17:10.1(D) is hereby enacted to read as follows:

1 §10.1. School and district accountability system; purpose; responsibilities of state
2 board

3 * * *

4 B. The State Board of Elementary and Secondary Education, hereafter
5 referred to as the "state board", shall provide for a statewide system of accountability
6 for schools and school districts based on student achievement and minimum
7 standards for the approval of schools pursuant to R.S. 17:10. Beginning with the
8 2011-2012 school year, such system shall be based, in part, on growth in student
9 achievement using a value-added assessment model as determined by the state board.

10 The program shall include, at a minimum, clear and appropriate standards for schools
11 and school districts, indicators for the assessment of schools and school districts,
12 student achievement baselines, student growth targets, and appropriate minimum
13 levels of student achievement for each public school and school district, rewards and
14 corrective actions, specific intervals for assessment and reassessment of schools and
15 school districts, a review process for evaluating growth targets, and technical
16 assistance.

17 C. The state board shall develop and adopt a policy to invalidate student
18 achievement growth data using a value-added assessment model for any school year
19 in which there is a natural disaster or any other unexpected event that results in the
20 temporary closure of schools.

21 D.(1) The State Board of Elementary and Secondary Education state board
22 shall, by rule, define "financially at risk" as a status of any city, parish, or other local
23 public school board the unresolved finding of which subjects the school system and
24 its board to the provisions of Chapter 9B of Title 39 of the Louisiana Revised
25 Statutes of 1950 regarding the judicial appointment of a fiscal administrator.

26 (2) Each city, parish, or other local public school board shall be notified on
27 a regular basis by the state Department of Education of its status related to the
28 elements of the definition of financially at risk.

29 * * *

1 SUBPART A. GENERAL PROVISIONS

2 §3881. Purpose

3 A. It is the purpose of this Part to establish periodic evaluations of
 4 performance and effectiveness, based in part on growth in student achievement using
 5 a value-added assessment model as determined by the board, and continuous
 6 professional development and ~~periodic monitoring of performance levels~~ as integral
 7 aspects of professional careers in education.

8 B. ~~(1) It is the purpose of the teacher assistance and assessment program to~~
 9 ~~provide new teaching employees of the public school systems in this state with a~~
 10 ~~system of leadership and support from experienced educators during the most~~
 11 ~~formative stages of a teacher's experience in Louisiana schools.~~

12 ~~(2) It is further the purpose of the teacher assistance and assessment program~~
 13 ~~to provide assurance to the state, prior to the issuance of a permanent teacher~~
 14 ~~certificate, that the new teaching employee demonstrates competency in the~~
 15 ~~understanding and use of the basic components of effective teaching determined by~~
 16 ~~the state to be the basis for effective professional performance.~~

17 C. It is the purpose of the professional employee evaluation program to:

18 (1) Provide assurance to the citizens of the state that the quality of
 19 instruction and administrative performance in each public school system, building,
 20 and classroom is being ~~monitored~~ evaluated and maintained at levels essential for
 21 effective schools: in an attempt to ensure that every student is taught by an effective
 22 teacher and every school is managed by an effective school leader.

23 (2) Provide clear performance expectations and significant regular
 24 information on ~~that such~~ performance to ~~each teacher and administrator~~ all teachers
 25 and administrators in the public schools while protecting their dignity and right to
 26 fair and equitable treatment.

27 (3) Provide a consistent means for teachers and administrators to obtain
 28 assistance in the development of essential teaching or administrative skills.

29 (4) ~~To establish~~ Establish professional development as an integral and
 30 expected part of a professional career in education, including both the employee's

1 commitment to participating and the employer's commitment to providing the time
 2 and resources necessary.

3 §3882. Definitions.

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

5 (1) ~~"Administrator" means any person whose employment requires~~
 6 ~~professional certification issued under the rules of the board or who is employed in~~
 7 ~~a professional capacity other than a teacher.~~ "Board" means the State Board of
 8 Elementary and Secondary Education.

9 (2) ~~"Assessment" means the process by which the state determines whether~~
 10 ~~a teacher who is seeking to retain or acquire a regular teacher certificate can~~
 11 ~~sufficiently demonstrate the components of effective teaching to qualify for the~~
 12 ~~teaching credential being sought.~~

13 (3)(2) "Components of effective teaching" means the elements of teaching
 14 performance defined by the board, ~~upon the advice of a panel of persons representing~~
 15 in formal, recognized collaboration with educators and ~~others~~ other stakeholders
 16 involved in education, to be critical to providing effective classroom instruction. As
 17 used in the assessment and evaluation programs, the term includes any elements of
 18 the components being rated.

19 (4) ~~"Evaluation" means the process by which a local board monitors the~~
 20 ~~continuing performance of its teachers and administrators.~~

21 (5) ~~"Evaluation period" means the period of time during each school year~~
 22 ~~during which the evaluation program provided in Subpart C of this Part will be~~
 23 ~~conducted.~~

24 (6)~~(a)~~ ~~For the purposes of the teacher assistance and assessment program,~~
 25 ~~"teacher" means any full-time employee of a local board who is engaged to directly~~
 26 ~~and regularly provide instruction to students in any elementary, secondary, or special~~
 27 ~~education school setting who is not an administrator, who is so employed for the first~~
 28 ~~time in a school in this state after August 1, 1994, and who either holds a regular~~
 29 ~~teaching certificate which when issued was valid for three years or who is authorized~~
 30 ~~under law or board regulation to teach temporarily while seeking a regular teaching~~

1 ~~certificate. For the purposes of the teacher assistance and assessment program,~~
 2 ~~"teacher" shall not include any experienced teacher moving to Louisiana from~~
 3 ~~another state who provides appropriate evaluation results from his immediate~~
 4 ~~previous teaching assignment.~~

5 ~~(b) For the purposes of the personnel evaluation program, "teacher" means~~
 6 ~~any person employed as a full-time employee of a local board who is engaged to~~
 7 ~~directly and regularly provide instruction to students in any elementary, secondary,~~
 8 ~~or special education school setting, including a librarian, an assessment teacher, a~~
 9 ~~speech therapist, and a counselor, who is not an administrator, who has successfully~~
 10 ~~completed the teacher assistance and assessment program, as required in Subpart B~~
 11 ~~of this Part, or who is not required to participate in the teacher assistance and~~
 12 ~~assessment program.~~

13 ~~(3) "Department" means the state Department of Education.~~

14 ~~(4) "Evaluation" means the process by which a local board monitors the~~
 15 ~~continuing performance of its teachers and administrators.~~

16 ~~(5) "Local board" means a city, parish, or other local public school board.~~

17 ~~(6) "Performance expectations " means the elements of effective leadership~~
 18 ~~approved by the board that shall be included as evaluation criteria for all~~
 19 ~~building-level administrators.~~

20 ~~(7) "Teacher" or "Administrator" means any person whose employment~~
 21 ~~requires professional certification issued under the rules of the board.~~

22 §3883. State Board of Elementary and Secondary Education; powers and duties

23 A. The board shall:

24 (1) Establish the components of effective ~~teaching.~~ ~~These components~~
 25 ~~teaching, including measures of effectiveness, which~~ shall be periodically reviewed
 26 and revised ~~as necessary.~~ ~~as becomes appropriate with increased experience and~~
 27 ~~knowledge.~~

28 (2) Develop, adopt, and promulgate, ~~in accordance with the Administrative~~
 29 ~~Procedure Act,~~ all rules necessary for the implementation of this Part.

1 (3) ~~Set standards for the assessment teams in the assistance and assessment~~
2 ~~program~~ to use in determining whether the teacher has successfully ~~completed the~~
3 ~~assistance and assessment program~~ and met the assessment evaluation qualifications
4 for retaining or acquiring regular teacher certification.

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

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

11 (5) Develop and adopt grievance procedure requirements for any teacher or
12 administrator aggrieved by any rating by a local board which results from the
13 implementation of this Part. Such requirements shall contain, at a minimum,
14 provisions for the following:

15 (a) That the teacher or administrator be provided a copy of the evaluation
16 and the evaluators' data recording forms and any documentation related thereto and
17 be entitled to respond as provided in R.S. 17:3884.

18 (b) That the teacher or administrator be assured of due process, including
19 representation, in all aspects of the evaluation grievance procedures.

20 (c) That the local board shall administer the evaluation in a fair, objective,
21 and consistent manner and shall comply with all rules and regulations adopted by the
22 board and that the failure to do so shall be a grievable matter.

23 (6)(a) Require the state superintendent of education to appoint and convene
24 an Educator Evaluation Advisory Committee to make recommendations to the board
25 regarding the development of a value-added assessment model, the identification of
26 measures of student growth for grades and subjects for which value-added data is not
27 available and for personnel for whom value-added data is not available, and the
28 adoption of standards of effectiveness. The membership of the advisory committee
29 shall be approved by the board, and at least fifty percent of the membership shall be
30 comprised of practicing classroom educators. The advisory committee shall include

1 but not be limited to at least two parents of public school students and following
2 groups or organizations as follows:

3 (i) One member appointed by the Associated Professional Educators of
4 Louisiana.

5 (ii) One member appointed by the Louisiana Association of Educators.

6 (iii) One member appointed by the Louisiana Federation of Teachers.

7 (iv) One member appointed by the Louisiana Association of School
8 Superintendents.

9 (v) One member appointed by the Louisiana Association of Principals.

10 (vi) One member appointed by the Louisiana Association of Public Charter
11 Schools.

12 (vii) Two members of the Senate Committee on Education, appointed by the
13 chairman thereof.

14 (viii) Two members of the House Committee on Education, appointed by the
15 chairman thereof.

16 (ix) One member appointed by each member of the State Board of
17 Elementary and Secondary Education.

18 (b) The members of the committee shall serve without compensation.

19 (c) The initial meeting of the committee shall be held not later than
20 September 30, 2010.

21 (d) The committee shall submit its initial recommendations to the board and
22 the Senate and House committees on education by not later than April 30, 2012.

23 (7) Submit a written report to the Senate Committee on Education and the
24 House Committee on Education not later than sixty days prior to the 2011 and the
25 2012 regular sessions of the legislature regarding the status of the development of
26 the value-added assessment model as specified in R.S. 17:3902(B)(5) and the
27 methodology used in such development. The committees may meet separately or
28 jointly and may disapprove the assessment model so presented upon majority vote
29 of each committee, if the committees determine that the methodology is arbitrary or
30 not evidence-based.

1 (8) Beginning in 2013 and thereafter, submit a written report to the Senate
 2 Committee on Education and the House Committee on Education, not later than
 3 March first of each year, and at such other times as requested by the committees,
 4 regarding the implementation, results, and effectiveness of the value-added
 5 assessment model as provided in this Part.

6 ~~(6) Require the department to monitor the assistance and assessment~~
 7 ~~program established pursuant to the provisions of this Part. The method to be used~~
 8 ~~in monitoring the program shall be established by the department with the approval~~
 9 ~~of the board and shall be sufficient to determine whether a program has been~~
 10 ~~implemented, to what extent it has been implemented, and whether such program~~
 11 ~~complies with the provisions of this Part.~~

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

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

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

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

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

27 B. The board may:

28 (1) Make recommendations to the legislature regarding any changes needed
 29 to this Part.

1 (2) Establish state review teams, as needed, to review the school personnel
 2 evaluation plans for compliance with ~~law and regulation, for the implementation of~~
 3 all applicable laws and regulations to implement such evaluation plans and to
 4 provide for the exchange of information regarding them.

5 (3) Continue to develop, test, and improve the process and content of
 6 professional ~~assessment and~~ evaluation with input from appropriate educator ~~groups~~
 7 ~~and panels:~~ groups.

8 (4) Continue to expand ~~the opportunity~~ opportunities for the growth and
 9 development of professional employees.

10 (5)(a) Request that the department ~~when deemed necessary to~~ monitor an
 11 evaluation ~~program established pursuant to the provisions of this Part.~~ programs as
 12 necessary. The method to be used in monitoring such programs shall be established
 13 by the department with the approval of the board and shall be sufficient to determine
 14 ~~whether such programs have been implemented, to what~~ the extent they to which any
 15 programs have been implemented, and whether such programs comply with the
 16 provisions of this Part. The department shall submit a report to the Senate
 17 Committee on Education and the House Committee on Education which contains the
 18 details of any monitoring methods developed pursuant to this Subparagraph.

19 (b) If, in conducting such monitoring, the department determines that a
 20 school system has failed to implement its evaluation ~~program of personnel evaluation~~
 21 ~~or that a school system~~ has otherwise failed to comply with the provisions of this
 22 Part, the department shall notify the local board of such failure, and the school
 23 system shall correct such failure within sixty calendar days after receiving such
 24 notification. The department also shall ~~also~~ notify the board of such failure, by the
 25 school system.

26 (c) If the ~~failures are~~ failure is not corrected within the prescribed sixty
 27 calendar days, the department shall notify the board of such continued failure and
 28 shall recommend to the board whatever sanctions against such school system the
 29 department deems appropriate which may include withholding funds distributed
 30 pursuant to the minimum foundation program formula until the corrections are made.

1 The board shall act upon such recommendation within sixty calendar days after its
 2 ~~receipt.~~ receipt of the notification.

3 §3884. ~~Assessment and evaluation~~ Evaluation records; response; access

4 A.(1) Each ~~assessment and~~ evaluation required in this Part shall be
 5 documented in writing and a copy shall be transmitted to the school employee not
 6 later than fifteen days after the ~~assessment or~~ evaluation takes place. The employee
 7 shall have the right to initiate a written reaction or response to the ~~assessment or~~
 8 evaluation. Such response and ~~assessment or~~ evaluation shall become a permanent
 9 attachment to the ~~single~~ official personnel file for the employee.

10 (2) After the ~~assessment or~~ evaluation and any documentation related thereto
 11 has been transmitted to the employee, upon request of the employee, and before the
 12 end of the school year, a meeting shall be held between the employee and the
 13 appropriate official of the local ~~governing~~ board in order that the employee may
 14 respond to the ~~assessment or~~ evaluation and have the opportunity to amend, remove,
 15 or strike any information proven to be inaccurate or invalid ~~information~~ as may be
 16 found within the written documentation and from the employee's personnel file. The
 17 employee shall have the right to receive proof by documentation of any item
 18 contained in the ~~assessment or~~ evaluation that the employee believes to be
 19 inaccurate, invalid, or misrepresented. If such documentation is not presented, such
 20 items shall be removed from the ~~assessment or~~ evaluation record and shall not be the
 21 basis for any decision of the board regarding certification or the local board
 22 regarding any employee action.

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

27 (1) To the ~~assessed or~~ evaluated school employee or his designated
 28 representative.

29 (2) To authorized school system officers and employees for all personnel
 30 matters, including employment application, and for any hearing, which relates to

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 personnel matters, which includes the authorized representative of any school or
 2 school system, public or private, to which the employee has made application for
 3 employment.

4 (3) For introduction in evidence or discovery in any court action between the
 5 board and a teacher in which either:

6 (a) The competency of the teacher is at issue.

7 (b) ~~The assessment and evaluation was an exhibit at a hearing, the result of~~
 8 ~~which is challenged.~~

9 C. The superintendent of education shall make available to the public ~~such~~
 10 the data specified in R.S. 17:3902(B)(5) as may be useful for conducting statistical
 11 analyses and evaluations of educational ~~personnel, but shall not reveal information~~
 12 ~~pertaining to the assessment and evaluation report of a particular employee.~~
 13 personnel but shall not reveal information pertaining to the evaluation report of a
 14 particular employee. Beginning with the 2012-2013 school year, such public
 15 information may include school level student growth data as specified in R.S.
 16 17:3902(B)(5).

17 D. Any local board wishing to hire a person who has been ~~assessed or~~
 18 ~~evaluated~~ pursuant to this Chapter, whether that person is already employed by that
 19 school system or not, shall request such person's ~~assessment and~~ evaluation results
 20 as part of the application process. The board to which application is being made
 21 shall inform the applicant that as part of the mandated process, the applicant's
 22 ~~assessment and evaluations~~ evaluation results will be requested. The applicant shall
 23 be given the opportunity to apply, review the information received, and provide any
 24 response or information the applicant deems appropriate.

25 §3885. Beginning and Continuing Teacher Assistance

26 A. During the first three years of employment, beginning teachers shall be
 27 provided by the local board with professional development opportunities and
 28 assistance designed to enhance teaching competencies in accordance with rules and
 29 regulations promulgated by the board.

1 B. The local board shall provide targeted professional development to
 2 teachers to address deficiencies identified in the evaluation process

3 §3886. Teaching credentials; regular certification, permanent certification; effect of
 4 evaluation

5 A. If a teacher's evaluation demonstrates that he has met the standard for
 6 effectiveness as determined by the board, using value-added data, for three years
 7 during the initial certification or renewal process, a certificate shall be issued or
 8 renewed unless the board receives evidence from the local board, through an appeal,
 9 that justifies discontinuation. Similarly, if a teacher's evaluation demonstrates that
 10 he has not met the standard for effectiveness as determined by the board, using either
 11 value-added data or other components of the evaluation, for three years during the
 12 initial certification or renewal process, the board shall not issue or renew a certificate
 13 unless evidence of effectiveness is received from the local board, through an appeal,
 14 that justifies the issuance of a certificate.

15 B. Persons who seek a regular teacher certificate and hold a teacher
 16 certificate from out of state and have out-of-state teaching experience of three years
 17 or more shall not be credited with their years of teaching experience in the issuance
 18 of any teaching credential until receipt of a successful evaluation as provided by
 19 board policy.

20 SUBPART C. SCHOOL PERSONNEL EVALUATION

21 §3901. Applicability

22 ~~Beginning with the 1994-1995 school year, this~~ This Subpart and the program
 23 provided herein shall apply to all teachers and administrators.

24 §3902. Evaluation program; process

25 ~~A.(1) Not less often than once every three years, every~~ Every teacher and
 26 administrator who has been employed ~~as such for more than three years~~ by a local
 27 board shall be formally evaluated annually by the local board pursuant to this
 28 Subpart.

29 ~~(2) The performance of a teacher or an administrator who has been employed~~
 30 ~~as such for three years or less shall be formally evaluated annually.~~

1 ~~(3) In every school year when the performance of a teacher or administrator~~
 2 ~~is not formally evaluated, the local board shall evaluate such employee informally.~~

3 B. The elements of evaluation ~~are:~~ and standards for effectiveness shall be
 4 defined by the board pursuant to rules and regulations promulgated for such purpose.
 5 Such rules and regulations shall require that, at a minimum, local evaluation plans
 6 contain the following elements:

7 (1) A job description. The local board shall establish a job description for
 8 every category of teacher and administrator pursuant to its evaluation plan. Such job
 9 descriptions shall contain the ~~elements~~ criteria on which the teacher or administrator
 10 ~~will~~ shall be evaluated. Each teacher or administrator shall be provided with his job
 11 description prior to the beginning of his first employment in the school system in his
 12 position and each time the job description is revised. The teacher or administrator
 13 shall acknowledge receipt of the job description by signing a copy thereof.

14 (2) A professional growth plan. A professional growth plan shall be
 15 developed by each teacher and administrator, collaboratively with his ~~evaluator,~~
 16 evaluator or evaluators during the beginning of each evaluation period. Such plan
 17 shall be designed to assist each teacher and administrator in meeting the standards
 18 for effectiveness, effectively addressing the social, developmental, and emotional
 19 needs of students and maintaining a classroom environment that is conducive to
 20 learning. Each such plan shall include a statement of the professional development
 21 objectives of the teacher or administrator as well as the strategies the teacher or
 22 administrator intends to employ toward the realization of each objective.

23 ~~(3) Self-evaluation. Each teacher and administrator shall, throughout the~~
 24 ~~evaluation period, conduct a personal review of his performance, assessing strengths~~
 25 ~~and weaknesses and assessing his progress toward the realization of the objectives~~
 26 ~~in his professional growth plan.~~

27 ~~(4)~~ Observation and conferencing. The evaluator or evaluators of each
 28 teacher or administrator shall conduct a pre-observation conference during which the
 29 teacher or administrator shall provide the evaluator or evaluators with relevant
 30 information. A teacher shall provide information concerning the planning of the

1 lesson to be observed as well as any other information the teacher considers
2 pertinent. The observation shall occur at a time and place established in advance,
3 shall be of sufficient duration to provide meaningful data which, in the case of a
4 teacher, shall be not less than the duration of one complete lesson. In the case of a
5 teacher, the observation shall be conducted using the components of effective
6 teaching, as well as any additional local board criteria included in the job description.
7 In the case of an administrator, the observation may consist of the collection of
8 prescribed performance documentation and shall be conducted using applicable
9 components of effective teaching, elements prescribed by board rule, and any
10 additional local board criteria included in the job description. A post-observation
11 conference shall be conducted to discuss commendation and recommendations.

12 ~~(5)(4)~~ Classroom visitation. The evaluator may, on his own initiative or
13 upon the request of a teacher or administrator he has evaluated, periodically visit the
14 teacher or administrator to monitor progress toward achievement of professional
15 growth plan objectives and provide support or assistance.

16 (5) Measure of effectiveness. By the beginning of the 2012-2013 school
17 year, fifty percent of such evaluations shall be based on evidence of growth in
18 student achievement using a value-added assessment model as determined by the
19 board for grade levels and subjects for which value-added data is available. For
20 grade levels and subjects for which value-added data is not available and for
21 personnel for whom value-added data is not available, the board shall establish
22 measures of student growth. The model shall take into account important student
23 factors, including but not limited to special education, eligibility for free or reduced
24 price meals, student attendance, and student discipline. The state board shall develop
25 and adopt a policy to invalidate such student growth data for any teacher for any
26 school year in which there is a natural disaster or any other unexpected event that
27 results in the temporary closure of the school.

28 ~~C.(1) Formal evaluation shall consist of observation and conferencing in~~
29 ~~addition to the other elements of evaluation.~~

1 ~~(2) Informal evaluation shall consist of all elements except observation and~~
2 ~~conferencing.~~

3 ~~Ⓓ.(1)~~ At the conclusion of each year's evaluation, the evaluator or evaluators
4 shall determine whether the teacher or administrator is ~~satisfactory~~ effective or
5 ~~unsatisfactory~~ ineffective pursuant to the ~~local board's~~ evaluation plan. Such
6 determination shall be transmitted to the local board.

7 (2)(a) Any teacher or administrator who fails to meet the ~~local board's~~
8 standard of performance with regard to effectiveness shall be placed in an intensive
9 assistance program designed to address the complexity of the teacher's deficiencies
10 and shall be formally re-evaluated. A teacher or administrator shall be informed in
11 writing of placement in an intensive assistance program and provided in writing with
12 the reasons for such placement.

13 (b) Each intensive assistance program shall be ~~individually~~ designed for the
14 individual teacher or administrator involving collaboratively with the evaluator or
15 evaluators and the teacher or administrator and shall include at a minimum:

16 (i) Specific steps ~~that should~~ to be taken to improve.

17 (ii) The assistance, support, and resources ~~that are~~ to be provided by the local
18 board.

19 (iii) An expected time line for achieving the objectives and the procedures
20 for monitoring progress including observations and conferences. The time line shall
21 not exceed two years.

22 (iv) The action ~~that will~~ to be taken if improvement is not demonstrated.

23 (v) If the intensive assistance program required pursuant to this Paragraph
24 is not completed in conformity with its provisions or if the teacher or administrator
25 ~~still performs unsatisfactorily~~ is determined to be ineffective after a formal
26 evaluation conducted immediately upon completion of the program, then the local
27 board shall timely initiate termination proceedings pursuant to Part II of Chapter 2
28 of this Title ~~within six months following such unsatisfactory performance.~~

1 (3) The board shall determine a standard for highly effective teachers for use
2 by local boards to recognize, reward, and retain teachers who demonstrate a high
3 level of effectiveness.

4 E. D. Nothing contained in this Section shall diminish the right of the local
5 board to evaluate employees or to make employment decisions or of principals and
6 other employees with supervisory responsibilities to observe the employees they
7 supervise.

8 §3903. Evaluators; selection and training

9 A. Each local board shall ~~create~~ establish and maintain an accountability
10 relationships ~~register~~. register in accordance with rules adopted by the board for such
11 purpose. The register shall contain clear definition of who shall be the evaluator or
12 evaluators of whom within the ranks of teachers and administrators. The ~~evaluator~~
13 evaluators of classroom teachers shall ~~always~~ be defined as the school principal or
14 assistant principal or ~~equivalent level supervisor designee~~. his respective supervisory
15 level designees.

16 B. Every employee with responsibility for evaluating a teacher or
17 administrator shall receive training as provided in this Part.

18 §3904. Local boards; power and duties

19 A. Each local board shall:

20 (1) Develop and maintain a program of local evaluation in accordance with
21 rules and regulation promulgated by the board for every teacher and administrator
22 employed by the local board.

23 (2) Create, ~~revise as necessary~~, revise, and disseminate to each professional
24 employee a job description which shall be the statement of performance ~~expectation~~
25 expectations and the basis of any evaluation criteria conducted pursuant to this
26 Subpart. ~~For teachers, the job description shall specifically contain all applicable~~
27 ~~components of effective teaching and any additional elements adopted by the local~~
28 ~~board.~~

1 (3) Cooperate with the board and the department in whatever manner is
2 necessary to implement this Subpart, including providing for the training of
3 evaluators.

4 (4) Assist in developing the mechanisms necessary for rapid transmission of
5 evaluation information and reports to teachers and administrators and for
6 maintenance of the confidentiality of such information, except for information to be
7 made available to the public in accordance with R.S. 17:3884(C).

8 (5) Incorporate the evaluation plan required by this Subpart into its general
9 employee policies.

10 ~~(a) Establish an evaluation steering committee as provided by the board.~~

11 ~~(b) The steering committee shall develop a plan to monitor, review, and~~
12 ~~submit recommendations to the local board concerning needed changes in the school~~
13 ~~personnel evaluation plan of the local board.~~

14 (6) Incorporate any ~~the~~ elements of the program in this Subpart into any
15 performance-based contracts with its employees.

16 B. Each local board ~~may:~~ may

17 ~~(1) Incorporate the evaluation plan required by this Subpart into its general~~
18 ~~employee policies.~~

19 ~~(2) Expand~~ expand the scope of the program in this Subpart to ~~provide for~~
20 apply to all employees of the board.

21 ~~(3) Incorporate the any elements of the program in this Subpart into any~~
22 ~~performance-based contracts with its employees.~~

23 §3905. Reports to the department

24 The department may request a local board to submit to the department the
25 local evaluation plan and the accountability relationships registry, including such
26 revisions as are made for the succeeding evaluation period and upon such request,
27 the local board shall provide the requested information in a timely manner.

28 * * *

29 §3997. Charter school employees

30 * * *

1 D.(1)(a) ~~The Each~~ governing authority of ~~any a~~ charter school may
2 ~~determine whether the members of the faculty and staff of the school are going to~~
3 ~~participate in any assessment and evaluation program required by the state, including~~
4 ~~the teacher assistance and assessment program pursuant to the Children First Act.~~
5 For those schools choosing not to participate in the teacher assistance and assessment
6 program, three years of successful teaching within the charter school shall be deemed
7 to meet the provisions of R.S. 17:3891 which require the successful completion of
8 the teacher assistance and assessment program in order to obtain or retain a regular
9 teacher certificate. ~~However, such regular teacher certificate is only valid for~~
10 ~~teaching within a charter school, and any teacher with such certificate hired to teach~~
11 ~~in a public school other than a charter school shall be required to successfully~~
12 ~~complete the teacher assistance and assessment program. annually shall evaluate~~
13 ~~every teacher and administrator employed at the school using the value-added~~
14 ~~assessment model and measures of student growth as determined by the State Board~~
15 ~~of Elementary and Secondary Education pursuant to R.S. 17:3902(B)(5).~~

16 (b) The governing authority of a charter school shall terminate the
17 employment of any teacher or administrator determined to be ineffective for three
18 consecutive years pursuant to the evaluation required by this Section.

19 (2) By the beginning of the 2012-2013 school year, fifty percent of each
20 teacher and administrator evaluation conducted pursuant to Paragraph (1) of this
21 Subsection shall be based on evidence of growth in student achievement using the
22 value-added assessment model as determined by the state board for grade levels and
23 subjects for which value-added data is available. For grade levels and subjects for
24 which value-added data is not available, the state board shall establish measures of
25 student growth. The model shall take into account important student factors,
26 including but not limited to special education, eligibility for free or reduced price
27 meals, student attendance, and student discipline. The state board shall develop and
28 adopt a policy to invalidate such student growth data for any teacher for any school
29 year in which there is a natural disaster or any other unexpected event that results in
30 the temporary closure of the school.

1 (3) The state superintendent of education shall make available to the public
2 the data specified in R.S. 17:3902(B)(5) as may be useful for conducting statistical
3 analyses and evaluations of educational personnel, but shall not reveal information
4 pertaining to the evaluation report of a particular employee. Beginning with the
5 2012-2013 school year, such public information may include school level student
6 growth data as specified in R.S. 17:3902(B)(5).

7 (4)(a) The State Board of Elementary and Secondary Education may request
8 that the state Department of Education monitor evaluation programs established
9 pursuant to this Section as necessary. The method to be used in monitoring such
10 programs shall be established by the department with the approval of the board and
11 shall be sufficient to determine the extent to which any programs have been
12 implemented, and whether such programs comply with the provisions of this Section.

13 (b) If, in conducting such monitoring, the department determines that the
14 governing authority of a charter school has failed to implement its evaluation
15 program or has otherwise failed to comply with the provisions of this Section, the
16 department shall notify the charter school governing authority of such failure, and
17 the charter school governing authority shall correct such failure within sixty calendar
18 days after receiving such notification. The department also shall notify the State
19 Board of Elementary and Secondary Education of such failure, by the charter school
20 governing authority.

21 (c) If the failure is not corrected within the prescribed sixty calendar days,
22 the department shall notify the board of such continued failure and shall recommend
23 to the board whatever sanctions against such charter school governing authority the
24 department deems appropriate, which may include withholding funds distributed
25 pursuant to the minimum foundation program formula until the corrections are made.
26 The board shall act upon such recommendation within sixty calendar days after its
27 receipt of the notification.

28 Section 2. For the 2010-2011 school year, notwithstanding any law, rule, or
29 regulation to the contrary, each city, parish, and other local public school board shall be
30 allowed to continue to use the personnel evaluation plan as prescribed by each board's policy

1 on the effective date of this Act. For the 2011-2012 school year, if the State Board of
 2 Elementary and Secondary Education fails to promulgate the rules and regulations necessary
 3 to implement the provisions of this Act at least sixty days prior to the beginning of the
 4 school year, each city, parish, and other local public school board shall be allowed to
 5 continue to use the personnel evaluation plan as prescribed by each board's policy on the
 6 effective date of this Act.

7 Section 3. The Louisiana state superintendent of education and every employee of
 8 the Department of Education who makes over one hundred thousand dollars shall be
 9 evaluated using the same standards and criteria as teachers and administrators evaluated
 10 pursuant to the provisions of this Act.

11 Section 4. Subpart B of Part II of Chapter 39 of Title 17 of the Louisiana Revised
 12 Statutes of 1950, comprised of R.S. 17:3891 through 3895, is hereby repealed in its entirety.

13 Section 5. This Act shall become effective upon signature by the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 17 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____