

Regular Session, 2013

HOUSE BILL NO. 596

BY REPRESENTATIVE CARTER

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

SCHOOLS/BOARDS: Provides relative to powers and duties of local school boards and superintendents

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

AN ACT

To amend and reenact R.S. 17:81(A) and (P)(1), 229, and 414.1 and to repeal R.S. 17:81(I) and 84, relative to public school personnel; to provide for the employment, duties, and supervisory responsibilities of local school superintendents; to provide for the authority of public school principals with regard to placement of employees at a school; to repeal provisions relative to school board office employment including provisions for deputy and assistant superintendents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81(A) and (P)(1), 229, and 414.1 are hereby amended and reenacted to read as follows:

§81. General powers of local public school boards

A.(1) Each local public school board shall serve in a policymaking capacity that is in the best interests of all students enrolled in schools under the board's jurisdiction. When establishing board policies, each board shall prioritize student achievement, financial efficiency, and workforce development on a local, regional, and statewide basis. When choosing a local superintendent of schools, each board shall select a leader who shall prioritize student achievement and act in the best interests of all students enrolled in schools under the board's jurisdiction.

1 (2) Each local public school board shall determine the number of schools to
2 be opened, the location of ~~school houses~~ schools, and the number of teachers and
3 other school personnel to be employed. The local school superintendent shall have
4 authority to employ teachers by the month or by the year, and to fix their salaries;
5 provided that there shall be no discrimination as to sex in the fixing thereof and
6 provided further, that it is not the purpose of this Section to require or direct the
7 reduction of any salary, or salary schedule, presently in force. The local school
8 superintendent shall see that the provisions of the state school law are complied with.

9 (3) Each local public school board shall delegate authority ~~for the hiring and~~
10 ~~placement of all school personnel, including those for which state certification is~~
11 ~~required to the local school superintendent.~~ to the local school superintendent to
12 enter into, amend, and terminate employment contracts for all school and school
13 system personnel. Such delegation of authority shall include the ability of the local
14 school superintendent to hire, place, and dismiss all school and school system
15 personnel. It shall be the responsibility of the superintendent to ensure that all
16 persons have proper certification, as applicable, and are qualified for the position.

17 (4) Each local public school board shall adopt policies for and establish
18 procedures which require a local school superintendent to:

19 (a) Delegate to the principal all decisions regarding the hiring or placement
20 of any teacher or other personnel at the school in which the principal is employed,
21 subject to the approval of the local school superintendent. No teaching personnel
22 shall be placed, regardless of tenure status, in a school without the consent of the
23 principal.

24 (b) Consult with teachers prior to making any decisions regarding the hiring
25 or placement of a principal at the school in which such teachers are employed. Any
26 recommendations made by teachers shall not be binding upon the superintendent but
27 shall be considered by the superintendent when making employment decisions.

28 (5) Any policies and procedures adopted by a local public school board
29 pursuant to the provisions of this Subsection shall be in accordance with all laws, all

1 state rules, regulations, and policies relative to certification of teachers and other
2 personnel, and any court order or restrictions relative to desegregation.

3 (6) The superintendent and the school principal shall make all employment-
4 related decisions based upon performance, effectiveness, and qualifications as
5 applicable to each specific position. Effectiveness, as determined pursuant to R.S.
6 17:3881 through 3905, shall be used as the primary criterion for making personnel
7 decisions; however, in no case shall seniority or tenure be used as the primary
8 criterion when making decisions regarding the hiring, assignment, or dismissal of
9 teachers and other school employees.

10 * * *

11 P.(1) No board member shall act in an individual capacity to use the
12 authority of his office or position as a member of the school board in a manner
13 intended to interfere with, compel, or coerce any personnel decision made by the
14 superintendent or a school principal, including the hiring, promotion, discipline,
15 demotion, transfer, discharge, or assignment of work to any school employee. The
16 superintendent, as the instructional leader of the district and its chief executive
17 officer, shall have primary responsibility for personnel actions in the district.

18 * * *

19 §229. Appointment of visiting teachers, or supervisors of child welfare and
20 attendance

21 The local school superintendent shall appoint, supervise, and dismiss visiting
22 teachers and supervisors of child welfare and attendance; but no person shall be so
23 recommended or so appointed unless certified by the state board of education.

24 * * *

25 §414.1. Public elementary and secondary school principals; duties

26 The principal for each public elementary and secondary school shall be
27 ~~appointed by and serve under the direction of the local superintendent of schools as~~
28 the administrative officer of the school to which he is assigned. The local
29 superintendent of schools shall be responsible for the appointment, supervision, and

1 dismissal of school principals. Consistent with the requirements of law and the rules
 2 and regulations of the State Board of Elementary and Secondary Education and the
 3 local public school board by which ~~he~~ the principal is employed, he shall have
 4 administrative responsibility for the direction and supervision of the personnel and
 5 activities and the administration of the affairs of that school.

6 Section 2. R. S. 17:81(I) and 84 are hereby repealed in their entirety.

7 Section 3. This Act shall become effective on July 1, 2013; if vetoed by the governor
 8 and subsequently approved by the legislature, this Act shall become effective on Jul 1, 2013,
 9 or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Carter

HB No. 596

Abstract: Provides relative to powers and duties of local school boards and the scope of employment and responsibilities of superintendents and principals.

Present law requires each school board to serve in a policymaking capacity, to establish policies that prioritize student achievement, financial efficiency, and workforce development, and to select a superintendent who shall prioritize student achievement and act in the best interests of all students. Requires each school board to determine the number and location of schools and the number of teachers and other personnel to be employed.

Present law provides that the superintendent shall have authority to employ teachers and fix their salaries and shall see that the provisions of the state law are complied with.

Proposed law retains present law.

Present law requires that the school board delegate authority for the hiring and placement of all school personnel to the superintendent. Proposed law requires that the superintendent have authority to enter, amend, and terminate employment contracts for all school and school system personnel, which includes the authority to hire, place, and dismiss all school and school system personnel.

Present law requires a school board to adopt policies and establish procedures that require a local school superintendent to delegate to the principal all decisions regarding the hiring or placement of any teacher or other personnel at the school in which the principal is employed, subject to the approval of the local school superintendent. Proposed law retains present law and additionally provides that no teaching personnel shall be placed, regardless of tenure status, in a school without the consent of the principal.

Present law provides that school board policies shall require the superintendent to consult with teachers prior to making any decisions regarding the hiring or placement of a principal at the school in which such teachers are employed. Proposed law retains present law.

Present law requires the superintendent and principal to make all employment-related decisions based upon performance, effectiveness, and qualifications and that effectiveness as determined pursuant to the performance evaluation program shall be used as the primary criterion. Prohibits consideration of seniority or tenure as the primary criterion when making personnel decisions. Proposed law retains present law.

Present law prohibits a school board member from acting in an individual capacity in a manner intended to interfere with any personnel decision. Proposed law retains present law.

Present law authorizes the superintendent to appoint visiting teachers and supervisors of child welfare and attendance. Proposed law retains present law and authorizes the superintendent to supervise and dismiss such personnel.

Present law provides that a school principal shall be appointed by and serve under the direction of the superintendent. Proposed law provides instead that the superintendent is responsible for the appointment, supervision, and dismissal of school principals.

Present law provides that school boards may appoint and fix the salaries of assistant superintendents, supervisors, stenographers, bookkeepers, attendance officers, medical directors, and other appointees as necessary. Provides that school boards with a population of 200,000 or more may appoint a deputy parish superintendent of schools and provides that the deputy parish superintendent serves at the pleasure of the school board. Proposed law repeals present law.

Effective July 1, 2013.

(Amends R.S. 17:81(A) and (P)(1), 229, and 414.1; Repeals R.S. 17:81(I) and 84)