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## DIGEST

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Carter

HB No. 974

**Abstract:** Provides relative to teacher tenure, pay-for-performance, and evaluations.

Proposed law:

- (1) Requires local school boards to include specified performance targets in employment contracts with the local school superintendent and submit a copy of such contract to the state supt. of education.
- (2) Requires local school boards to delegate authority for personnel decisions to the school supt.
- (3) Requires the local supt. to delegate the hiring and placement of teachers and other school personnel to the school principal.
- (4) Requires that all school personnel employment decisions be based upon performance, effectiveness, and qualifications and prohibits the use of seniority when making any personnel decisions.
- (5) Provides that all reduction in force policies for teachers and certified school personnel be based solely upon demand, performance, and effectiveness as determined by the teacher and administrator evaluation program. Reduction in force policies for non-certified school personnel must be based on performance and effectiveness as determined by local school board policy.
- (6) Requires the governing authority of each public school, state special schools, and SSD schools and programs to establish salary schedules based upon effectiveness, demand by subject area or area of certification, and experience by which to determine the salaries to be paid to teachers and other school employees. The salaries provided therein shall be considered as full compensation for all work required within each employee's prescribed scope of duties and responsibilities. No teacher or administrator rated as "ineffective" shall receive a higher salary than that receive the previous year.
- (7) Eliminates the probationary period for the acquisition of tenure and provides that a teacher must receive a rating of "highly effective" for five consecutive years to be eligible for tenure. Requires the superintendent to notify a teacher in writing when teacher has been awarded and such tenure is effective on the date specified in the notification. A

teacher who is not awarded tenure remains an at-will employee of the employing school board.

- (8) A superintendent may terminate the employment of a non-tenured teacher upon providing the teacher with written charges therefor and providing the teacher the opportunity to respond.
- (9) A superintendent may terminate the employment of a tenured teacher upon providing the teacher with written charges of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of an entity prohibited from operating in the state and providing the teacher an opportunity to respond. A teacher so terminated may request a hearing from a panel composed of the school superintendent, the school principal, and a teacher of the terminated teacher's choosing. The dismissed teacher may petition a court of competent jurisdiction to review the hearing panel's finding and the superintendent's action in terminating the teacher's employment within 60 days after the tenure hearing panel issues its finding. If the court reverses the superintendent's action, the teacher shall be reinstated and restored to duty and is entitled to full pay for any loss of time or salary. Provides that a teacher's performance evaluation results constitute proof of poor performance, incompetence, or willful neglect of duty.

Proposed law consolidates the tenure provisions for all certified school employees and repeals provisions in present law providing for separate provisions for teachers in Orleans Parish and the special school district.

Proposed law repeals present law provisions relative to minimum salary schedule requirements and extra compensation and salary requirements.

Effective July 1, 2012.

(Amends R.S. 17:54(B)(1)(b)(i) and (iii), 81, and (P)(1), 81.4, 229, 414.1, 441, 442, 443, and 444(B)(1); adds R.S. 17:418 and 532(C); repeals R.S. 17:44, 45, 81(I), 154.2, 235.1(E), 346.1, 419, 419.1, 420, 421, 421.1, 421.2, 421.3, 421.5, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 431, 444(A) and (B)(2) and (3), 446, 461 through 464, and 1207)