Regular Session, 2014

HOUSE BILL NO. 987

BY REPRESENTATIVE THOMPSON

TEACHERS: Provides relative teacher tenure and the removal of teachers

| 1 | AN ACT |
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| 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 <u>A</u> 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 <u>related</u> rights related thereto . If a <u>A</u> teacher <u>who</u> 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 | * * * |

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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

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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, incompetency, dishonesty, immorality, or of being a member of or contributing to 5 any group, organization, movement, or corporation that is by law or injunction 6 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 <u>committee</u> 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 <u>committee</u> 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.

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| 1 | (2) The tenure hearing panel <u>committee</u> shall submit its recommendation to |
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| 2 | the superintendent, and the superintendent may choose to reinstate the teacher. If the |
| 3 | superintendent does not reinstate the teacher, the superintendent shall notify the |
| 4 | teacher of his final determination, in writing, and such teacher may, not more than |
| 5 | sixty days from the postmarked date of such written notification, petition a court of |
| 6 | competent jurisdiction to review whether the action of the superintendent was |
| 7 | arbitrary or capricious. The court shall have jurisdiction to affirm or reverse the |
| 8 | action of the superintendent in the matter. The record on review shall be limited to |
| 9 | evidence presented to the tenure hearing panel committee, and the court shall review |
| 10 | the matter not later than ten days after the petition has been filed. If the action of the |
| 11 | superintendent is reversed by the court and the teacher is ordered reinstated and |
| 12 | restored to duty, the teacher shall be entitled to full pay for any loss of time or salary |
| 13 | he may have sustained by reason of the action of the superintendent. |
| 14 | * * * |
| 15 | Section 2. This Act shall become effective upon signature by the governor or, if not |
| 16 | signed by the governor, upon expiration of the time for bills to become law without signature |
| 17 | by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If |
| 18 | vetoed by the governor and subsequently approved by the legislature, this Act shall become |
| 19 | effective on the day following such approval. |

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)]

Thompson

HB No. 987

Abstract: Provides relative to the procedures and removal process of a teacher who is rated ineffective.

<u>Present law</u> provides for the requirements and procedures for awarding tenure to a teacher and provides that the term "teacher" includes any school employee who holds a teaching certificate and whose legal employment requires a teaching certificate.

<u>Present law</u> provides that beginning with the 2013-2014 school year, a tenured teacher who receives an "ineffective" performance rating shall immediately lose tenure and all rights related thereto. Further provides that if a teacher is rated "highly effective" on the growth portion of the evaluation but is rated "ineffective" on the observation portion, within thirty

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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.

<u>Present law</u> 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))