

---

## 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)]

---

Nancy Landry

HB No. 1022

**Abstract:** Prohibits local public school boards from taking certain actions intended to interfere with the personnel decisions of a superintendent or principal; provides that school board may not remove a superintendent if it or one of its members has interfered with such decisions.

Present law requires each local public school board to determine the number of schools to be opened, the location of school houses, and the number of teachers and other school personnel to be employed.

Present law authorizes the local school superintendent to employ teachers by the month or by the year, and to fix their salaries. Proposed law authorizes the superintendent to employ all personnel by the year or month. Further authorizes the superintendent to prorate salaries.

Present law requires a school board to delegate authority for the hiring and placement of all school personnel, including those for which state certification is required, to the local school superintendent. Proposed law additionally requires that the school board delegate to the superintendent the authority to dismiss personnel and the authority to develop and amend job descriptions and keep them current.

Present law requires a school board to adopt policies for and establish procedures which require a local school superintendent to delegate to the principal all decisions regarding the hiring or placement of personnel at the school in which the principal is employed, subject to the approval of the local school superintendent. Proposed law retains present law.

Proposed law prohibits a school board from taking or threatening any action intended to interfere with, compel, or coerce any personnel decision by the superintendent or a school principal, including the hiring, promotion, discipline, demotion, transfer, discharge, or assignment of work to any school employee. Provides that the following actions and threats of actions are specifically prohibited when intended to have such effect:

- (1) Modification of budgets including capital budgets.
- (2) Shifting of funds or any other resource.
- (3) Modification of tables of organization or assignment of positions.

- (4) Modification of or failure to approve job descriptions.
- (5) Modification of salaries or salary schedules.

Present law prohibits a member of a local public school board from acting in an individual capacity to use the authority of his office or position as a member in a manner intended to interfere with, compel, or coerce any personnel decision made by the superintendent or a school principal, including the hiring, promotion, discipline, demotion, transfer, discharge, or assignment of work to any school employee. Provides that the superintendent, as the instructional leader of the district and its chief executive officer, shall have primary responsibility for personnel actions in the district.

Proposed law provides that if a school board or member thereof interferes or attempts to interfere with a personnel decision in violation of present law or proposed law, the local public school board may not remove a superintendent from office. Requires the superintendent to report interference in personnel actions to the State Board of Elementary and Secondary Education (BESE). Such a report shall be made in writing, shall include specifics regarding the action taken by the board or member, and shall include any documentation or other evidence of the action. The board shall retain such reports and submit them to the division of administrative law when requested.

Proposed law provides that if a superintendent is removed and believes the school board is prohibited from doing so, the superintendent may appeal the removal to the division of administrative law. Provides that in making its determination, the division shall request and consider all reports submitted by the superintendent to BESE in accordance with proposed law. The division shall furnish to the school board a copy of its decision, together with notice of the manner for requesting judicial review. If the division determines that the school board or a member of the school board has interfered or attempted to interfere with a personnel decision, the removal of the superintendent shall be void and of no effect.

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

(Amends R.S. 17:54(C) and 81(A))