

2018 Regular Session

HOUSE BILL NO. 707

BY REPRESENTATIVE JENKINS

TEACHERS: Revises processes for disciplinary action against nontenured and tenured teachers

1 AN ACT

2 To amend and reenact R.S. 17:443(A) and (B)(1) and to enact R.S. 17:443(B)(introductory
3 paragraph), relative to tenure and disciplinary action for teachers; to revise the
4 process for disciplinary action against nontenured and tenured teachers; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:443(A) and (B)(1) are hereby amended and reenacted and R.S.
8 17:443(B)(introductory paragraph) is hereby enacted to read as follows:

9 §443. Discipline of teachers; procedure; right of review

10 A. The school superintendent may take disciplinary action against any
11 nontenured teacher only through the following process:

12 (1) after providing The superintendent or his designee shall provide such
13 teacher with the written reasons therefor for the disciplinary action, a copy of all
14 documents containing information relative to such reasons, and providing the teacher
15 the opportunity to respond at a conference convened by the superintendent or his
16 designee. The superintendent or his designee shall provide the teacher with the
17 written reasons and related documents not later than three work days prior to the
18 conference. The teacher shall have the right to representation at the conference and

1 the opportunity to respond to the conference proceedings in writing. The teacher
2 shall have ~~seven~~ ten work days following the conference to respond, and such
3 response shall be included in the teacher's personnel file.

4 (2) The superintendent shall review the teacher's response and then notify
5 the teacher in writing of his final decision. Within sixty days of such notice, the
6 teacher may seek summary review in a district court pursuant to Code of Civil
7 Procedure Article 2592. The district court's review shall be limited to determining
8 whether the action taken by the superintendent was arbitrary or capricious.

9 B.(1) ~~A~~ The school superintendent may take disciplinary action against a
10 teacher with tenure shall not be disciplined except upon only through the following
11 process:

12 (1) The superintendent or his designee shall provide the teacher with written
13 and signed charges by the superintendent or his designee of poor performance,
14 willful neglect of duty, incompetency, dishonesty, immorality, or of being a member
15 of or contributing to any group, organization, movement, or corporation that is by
16 law or injunction prohibited from operating in the state of Louisiana, ~~and then only~~
17 ~~if furnished with~~ a copy of such written charges and all documents containing
18 information relative to such charges, and given the opportunity to respond at a
19 conference convened by the superintendent or his designee. The superintendent or
20 his designee shall provide the teacher with the written charges and related documents
21 not later than three work days prior to the conference. The teacher shall have the
22 right to representation at the conference ~~The teacher shall have ten calendar days~~
23 ~~from written notice of the charges~~ and the opportunity to respond, ~~in person or in~~
24 writing to the conference proceedings. The teacher shall have ten work days
25 following the conference to respond, and such response shall be included in the
26 teacher's personnel file. Following review of the teacher's response, the
27 superintendent may take interim disciplinary action, which may include placing the
28 teacher on administrative leave. The teacher shall not be placed on administrative
29 leave without pay unless the teacher has been arrested for a violation of any of the

1 following: R.S. 14:42 through 43.5, 80 through 81.5, any other sexual offense
 2 affecting minors, any of the crimes provided in R.S. 15:587.1, or any justified
 3 complaint of child abuse or neglect on file in the central registry pursuant to
 4 Children's Code Article 615. Within ten calendar days after written notice of the
 5 interim disciplinary action or within ten calendar days after receipt of the teacher's
 6 response if no interim disciplinary action is taken, a teacher may request a hearing
 7 before a disciplinary hearing officer. If the teacher fails to timely request a hearing,
 8 the disciplinary action becomes final.

9 * * *

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)]

HB 707 Original

2018 Regular Session

Jenkins

Abstract: Revises processes for disciplinary action against nontenured and tenured teachers.

Present law provides relative to disciplinary action against *nontenured* teachers. Present law authorizes a school superintendent to take disciplinary action against any nontenured teacher after providing such teacher with the written reasons therefor and the opportunity to respond. Proposed law revises the process relative to this disciplinary action as follows:

- (1) Proposed law provides that in addition to the written reasons for the disciplinary action, the superintendent or his designee shall provide a copy of all documents containing information relative to the reasons and that the teacher shall have the opportunity to respond at a conference. Requires the superintendent or his designee to provide the teacher with the written reasons and related documents not later than three work days prior to the conference. Provides that the teacher shall have the right to representation at the conference.
- (2) Present law grants the teacher seven days to respond to the written reasons for disciplinary action and provides that such response shall be included in the teacher's personnel file. Proposed law provides that the teacher has an opportunity to respond to the conference rather than to the reasons for disciplinary action and extends it from 7 days to 10 work days.
- (3) Present law requires the superintendent to notify the teacher in writing of his final decision. Proposed law requires the superintendent to review the teacher's response prior to such notification.

Present law provides relative to disciplinary action against *tenured teachers*. Present law prohibits disciplining a *tenured* teacher except upon written and signed charges by the superintendent or his designee of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state,

and then only if furnished with a copy of such written charges and given the opportunity to respond. Proposed law revises the process relative to this disciplinary action as follows:

- (1) Proposed law provides that in addition to the written charges, the superintendent or his designee shall provide a copy of all documents containing information relative to the charges and that the teacher shall have the opportunity to respond at a conference. Requires the superintendent or his designee to provide the teacher with the written charges and related documents not later than three work days prior to the conference. Provides that the teacher shall have the right to representation at the conference.
- (2) Present law grants the teacher 10 calendar days from written notice of the charges to respond in person or in writing. Proposed law provides that the teacher has an opportunity to respond to the conference rather than to the reasons for disciplinary action and changes the time for response from 10 calendar days to 10 work days, requires that such response be written, and requires the response to be included in the teacher's personnel file.

Present law provides for further processes and procedures relative to disciplinary action for *tenured* teachers, including allowing them to request a review hearing before a disciplinary hearing officer. Proposed law retains present law.

(Amends R.S. 17:443(A) and (B)(1); Adds R.S. 17:443(B)(intro. para.))