
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

Proposed law restates and makes technical corrections in provisions in present law as enacted by Act 1 of the 2012 Regular Session of the Louisiana Legislature as follows:

- (1) Consolidates the tenure provisions for all certified school employees and repeals provisions specific to teachers in Orleans Parish and the Special School District.
- (2) Eliminates the three-year probationary period for the acquisition of tenure and the automatic awarding of tenure to a teacher upon successful completion of the probationary period.
- (3) A teacher who acquired tenure before September 1, 2012, retains tenure but is subject to the revised tenure provisions.
- (4) Effective July 1, 2012, a non-tenured teacher who receives a performance rating of "highly effective" for five years within a six-year period shall be granted tenure.
- (5) A teacher who is not awarded tenure remains an at-will employee, but shall acquire tenure upon meeting the specified rating requirement.
- (6) Beginning with the 2013-2014 school year, a tenured teacher who receives a performance rating of "ineffective" shall immediately lose tenure. However, a teacher who is rated "highly effective" on the growth portion of the evaluation, but is rated "ineffective" on the observation portions, is entitled to a second observation within 30 days of such finding.
- (7) A teacher who loses tenure for receiving an "ineffective" performance rating shall reacquire tenure if any one of the following conditions applies:
 - (a) The "ineffective" rating is reversed pursuant to the established grievance procedure.
 - (b) The teacher receives a "highly effective" performance rating for five years within a six-year period.
- (8) The following school employees are not eligible to earn tenure:
 - (a) A school lunch supervisor hired on or after July 1, 2012.
 - (b) Employees of the Iberville Parish School Board, other than teachers, hired on or after July 1, 2012.

- (c) Teachers paid with federal funds.
- (9) The local school superintendent may terminate the employment of a nontenured teacher after providing the teacher with written reasons, to which the teacher shall have seven days to respond. Such response must be included in the teacher's personnel file.
- (10) With respect to terminating employment of a tenured teacher:
- (a) A tenured teacher may be terminated upon 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. The teacher has seven days to respond to the written charges. Such response must be included in the teacher's personnel file. At the end of this seven-day period, the superintendent may terminate the teacher's employment.
 - (b) An "ineffective" rating on a performance evaluation constitutes proof of poor performance, incompetence, or willful neglect of duty and no additional documentation to substantiate such charges is required.
 - (c) A teacher shall not be terminated for an "ineffective" performance rating until completion of the grievance period established pursuant to the state's teacher evaluation process, if a grievance was timely filed.
 - (d) The teacher who has been terminated must be given a hearing, if he requests one within seven days of removal. The hearing shall be conducted by a panel composed of a designee of the superintendent, a designee of the principal or the administrative head of the state special school, and a designee of the teacher. Prohibits the designation of an immediate family member or any full-time employee of the school system by which the teacher was employed who is under the supervision of the person making the designation.
 - (e) The teacher has the right to appear before the tenure hearing panel with witnesses on his behalf and be represented by legal counsel.
 - (f) The teacher has the right to seek supervisory review from a court of competent jurisdiction.
 - (g) The hearing panel must submit its recommendation to the superintendent, who may reinstate the teacher. If he does not reinstate the teacher, he shall notify the teacher in writing. The teacher has 60 days from the date of receipt of the termination notice to petition a court to review the superintendent's action and to determine whether it was arbitrary or capricious. The court has the jurisdiction to affirm or reverse the action of the superintendent. Specifies that the record on review is limited to evidence presented to the tenure hearing panel.

- (h) If the court reverses the superintendent's action and orders the teacher reinstated, the teacher is entitled to full pay for any loss of time or salary sustained.

Effective July 1, 2013.

(Amends R.S. 17:441, 442, 443, 444(B); adds R.S. 17:532(C); repeals R.S. 17:45, 444(A), 446, and 461 through 464)