

Regular Session, 2013

HOUSE BILL NO. 129

BY REPRESENTATIVES PIERRE AND BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TEACHERS/EVALUATION: Prohibits giving a teacher or administrator a performance rating until completion of his full evaluation

1 AN ACT

2 To amend and reenact R.S. 17:3902(B)(5) and (C)(2)(b)(v) and to enact R.S. 17:3902(E),
3 relative to the evaluation program for teachers and administrators; prohibits giving
4 a teacher or administrator a performance rating until his full evaluation is complete;
5 to delay implementation of requirements for termination proceedings based on
6 teacher evaluation determinations; to restrict the use of evaluation results; to provide
7 an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:3902(B)(5) and (C)(2)(b)(v) are hereby amended and reenacted
10 and R.S. 17:3902(E) is hereby enacted to read as follows:

11 §3902. Evaluation program; process

12 * * *

13 B. The elements of evaluation and standards for effectiveness shall be
14 defined by the board pursuant to rules and regulations promulgated for such purpose.
15 Such rules and regulations shall require that, at a minimum, local evaluation plans
16 contain the following elements:

17 * * *

18 (5)(a) Measure of effectiveness. By the beginning of the 2012-2013 school
19 year, fifty percent of such evaluations shall be based on evidence of growth in

1 student achievement using a value-added assessment model as determined by the
2 board for grade levels and subjects for which value-added data is available.

3 (b) For grade levels and subjects for which value-added data is not available
4 and for personnel for whom value-added data is not available, the board shall
5 establish measures of student growth. The model shall take into account important
6 student factors, including but not limited to special education, eligibility for free or
7 reduced price meals, student attendance, and student discipline. The state board shall
8 develop and adopt a policy to invalidate such student growth data for any teacher for
9 any school year in which there is a natural disaster or any other unexpected event
10 that results in the temporary closure of the school.

11 (c) For the 2012-2013 school year only, the results of an evaluation shall not
12 be used for any purpose except that the results of the observation portion of the
13 evaluation shall be used as a criterion in making reduction in force decisions.

14 C.

15 * * *

16 (2)

17 * * *

18 (b) Each intensive assistance program shall be designed for the individual
19 teacher or administrator involving the evaluator or evaluators and the teacher or
20 administrator and shall include at a minimum:

21 * * *

22 (v) If Beginning in the 2014-2015 school year, for teachers and
23 administrators evaluated in the 2013-2014 school year and thereafter, if the intensive
24 assistance program required pursuant to this Paragraph is not completed in
25 conformity with its provisions or if the teacher or administrator is determined to be
26 ineffective after a formal evaluation conducted immediately upon completion of the
27 program, then the local board shall timely initiate termination proceedings pursuant
28 to Part II of Chapter 2 of this Title.

29 * * *

1 E. Notwithstanding any provision of this Section or any other law, rule,
 2 regulation, or policy to the contrary, no teacher or administrator shall be given a
 3 performance rating of effective or ineffective until his full evaluation conducted
 4 pursuant to this Subpart is complete. Nothing in this Subsection shall be construed
 5 to prevent the results of the observation portion of an evaluation from being used as
 6 a criterion in making reduction in force decisions.

7 Section 2. This Act shall become effective on July 1, 2013; if vetoed by the
 8 governor and subsequently approved by the legislature, this Act shall become effective on
 9 July 1, 2013, or on the day following such approval by the legislature, whichever is later.

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)]

Pierre

HB No. 129

Abstract: Prohibits giving a teacher or administrator a performance rating until the completion of his full evaluation; delays implementation of requirements relative to termination proceedings; and restricts use of evaluation results.

Present law requires formal, annual evaluations for teachers and administrators by local school boards. Provides that the elements of evaluation and standards for effectiveness shall be defined by the State Board of Elementary and Secondary Education (BESE) and provides for specified minimum elements to be included in local evaluation plans. Requires that by the 2012-2013 school year, 50% of each evaluation shall be based on evidence of growth in student achievement using a value-added assessment model as determined by BESE. Requires that at the conclusion of each year's evaluation, the evaluators shall determine whether the teacher or administrator is effective or ineffective and shall send such determination to the local board. Provides for an intensive assistance program for teachers and administrators who fail to meet the standard of performance and requires them to be reevaluated. Provides for minimum components to be included in the intensive assistance program, including a time line for achieving the objectives and the procedures for monitoring progress. Specifies that the time line shall not exceed two years. Further provides that if the intensive assistance program is not completed in conformity with its provisions or if the teacher or administrator is determined to be ineffective after a formal evaluation conducted immediately upon completion of the program, then the local board shall timely initiate termination proceedings pursuant to present law.

Proposed law retains present law and provides as follows:

- (1) Adds that notwithstanding any law, rule, regulation, or policy to the contrary, no teacher or administrator shall be given a performance rating of effective or ineffective until his full evaluation is complete.
- (2) Adds that proposed law shall not prevent the results of the observation portion of an evaluation from being used as a criterion in making reduction in force decisions.

- (3) Delays implementation of present law requirements for termination proceedings until the 2014-2015 school year for teachers and administrators evaluated in 2013-2014 and thereafter.
- (4) Adds that for the 2012-2013 school year, evaluation results shall not be used except that the observation portion shall be used for the purpose of making reduction in force decisions.

Effective July 1, 2013.

(Amends R.S. 17:3902(B)(5) and (C)(2)(b)(v); Adds R.S. 17:3902(E))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Adds that proposed law shall not prevent the results of the observation portion of an evaluation from being used as a criterion in making reduction in force decisions.

House Floor Amendments to the engrossed bill.

1. Delays implementation of present law requirements for termination proceedings based on evaluation determinations until the 2014-2015 school year.
2. Adds that for the 2012-2013 school year, evaluation results may only be used for the purpose of making reduction in force decisions and in such case, only the results of the observation portion of the evaluation may be used.
3. Adds that proposed law becomes effective on July 1, 2013.