
DIGEST

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HB No. 651

Abstract: Reenacts those provisions of Acts 2012, No. 1 relative to local school boards and superintendents.

Proposed law reenacts those provisions of Acts 2012, No. 1 relative to local school boards and superintendents, except changes effective date from July 1, 2012 to July 1, 2014. (Note: Acts 2012, No. 1 has been declared unconstitutional by the 19th JDC as violative of the single object requirements of the constitution. Media reports indicate that the decision will be appealed to the supreme court. In general, changes made by an unconstitutional Act of the legislature are ineffective and, therefore, the law prior to the unconstitutional Act remains effective. Coding in bill shows changes in the law as it existed prior to Acts 2012, No. 1. This digest treats the law prior to Acts 2012, No. 1 as present law and the reenacted changes of this Act as proposed law.)

Present law grants local school boards certain authority with respect to personnel decisions. Proposed law instead requires local school boards to delegate authority for personnel decisions to the local superintendent, including policies related to reductions in force.

Present law requires the local superintendent to consult with principals relative to hiring and placement decisions and provides that recommendations made by the principal are not binding upon the superintendent. Proposed law instead requires the superintendent to delegate such decisions to the principals, subject to the superintendent's approval.

Present law requires a school board to approve or disapprove employment of teachers and certified personnel from recommendations made by the superintendent. Requires the superintendent to make recommendations to the board in open public session. Requires the board to provide opportunity for public comment. Proposed law deletes present law.

Proposed law requires that all school personnel employment decisions be based upon performance, effectiveness, and qualifications. Provides for effectiveness as the primary criterion when making personnel decisions and prohibits the use of seniority or tenure as such.

Present law requires school boards to have rules and policies for the dismissal of school employees when there is a reduction in force. Requires reduction in force policies to include the following minimum standards: certification, if applicable; seniority in the system; tenure of employees; and academic preparation, if applicable, within the employee's field.

Proposed law deletes present law and instead provides the following relative to reduction in force policies:

- (1) Policies for teachers and administrators shall be based solely on demand, performance, and effectiveness. The least effective teachers within each targeted subject area or area of certification shall be dismissed first according to effectiveness ratings.
- (2) Policies for noncertified school personnel shall be based on performance and effectiveness as determined by local board policy and certification or academic preparation if applicable.
- (3) No reduction in force policy shall include seniority or tenure as the primary criterion.

Present law provides for appointment of principals by the local school board. Proposed law instead provides for principals' appointments by the local superintendent.

Present law requires local school boards to include specified performance objectives in employment contracts with the local superintendent. Proposed law specifies performance targets that must be included in the contract if the school system has been rated "C", "D", or "F". Requires all school boards to submit copies of such contracts to the state superintendent of education. Provides that any employment contract executed, negotiated, or renegotiated after July 1, 2014, between a board and superintendent that does not meet requirements of present law and proposed law is null and void.

Present law requires a local school board to notify a local superintendent not less than 90 days prior to termination of a contract. Proposed law changes this to not less than 30 days prior to termination. Also requires the board to notify the state superintendent when it terminates or fails to renew its employment contract with the local superintendent giving reasons therefor.

Present law provides that a local superintendent may be removed from office upon being found incompetent, unworthy, or inefficient or to have failed to fulfill the terms and performance objectives of his contract or to comply with school board policy. Proposed law provides instead that he shall be removed from office under these circumstances.

Effective July 1, 2014.

(Amends R.S. 17:54(B)(1)(b)(i) and (iii), 81(A) and (P)(1), 81.4, 229, and 414.1)