

Existing law provides for the requirements and procedures for awarding tenure to a teacher. Defines "teacher" as any school employee who holds a teaching certificate and whose legal employment requires a teaching certificate.

Prior law provided that a tenured teacher who received an "ineffective" performance rating immediately lost tenure and all related rights. Provided that a teacher would have reacquired tenure (immediately) if the teacher's "ineffective" rating was reversed pursuant to the existing law grievance procedure. Provided that the results of a teacher's evaluation evaluating the teacher's performance as "ineffective" constituted sufficient proof of poor performance, incompetence, or willful neglect of duty and no additional documentation was required to substantiate such charges. New law provides instead that a teacher who receives a final performance rating of "ineffective" shall immediately lose tenure upon exhaustion of the grievance procedure, unless the "ineffective" rating is reversed and provides that such rating shall constitute sufficient grounds for disciplinary action. Existing law provides that if a teacher is rated "highly effective" on the growth portion of the evaluation but is rated "ineffective" on the observation portion, the teacher is entitled to a second observation. Provides that a teacher shall reacquire tenure if he receives a "highly effective" rating for five out of six years after receiving an "ineffective" rating.

Prior law provided for removal by the local superintendent of a tenured teacher upon written charges of willful neglect of duty, incompetency, dishonesty, immorality, poor performance, or of being a member of an entity prohibited from operating in the state. Specified time lines for the teacher to respond to the written charges, request a hearing, and petition a court to review the superintendent's actions. Provided for a hearing panel and for reinstatement of the teacher by the superintendent.

New law provides instead for the disciplining by the superintendent or his designee of a tenured teacher upon written charges of willful neglect of duty, incompetency, dishonesty, immorality, poor performance, or of being a member of an entity prohibited from operating in the state. Provides that the teacher has 10 calendar days from written notice of the charges to respond, in person or in writing. Authorizes the superintendent to take interim disciplinary action including placing the teacher on administrative leave. Prohibits the teacher from being placed on administrative leave without pay except if the teacher has been arrested for a violation of certain crimes as specified in new law. Provides that within 10 calendar days after written notice of the interim disciplinary action, a teacher may request a hearing before a disciplinary hearing officer. Further provides that if the teacher fails to timely request a hearing, the interim disciplinary action becomes final.

New law adds that upon request for a review hearing, the superintendent shall randomly appoint a hearing officer from a list of persons previously approved by the school board to serve as "disciplinary hearing officers". Requires school boards to maintain lists of hearing officers and specifies how many officers are to be on the lists under certain circumstances. Authorizes the superintendent to appoint a hearing officer from a list approved by the State Board of Elementary and Secondary Education (BESE) if the school board fails to maintain a list. Provides qualifications for disciplinary hearing officers and provides that they shall have the power to issue subpoenas. Requires the school board to adopt and maintain procedures to govern the conduct of the hearing. Provides that the hearing may be private or public, at the option of the teacher and shall be held no sooner than 10 calendar days nor later than 30 calendar days after receipt of the teacher's request for such hearing. Provides that the teacher has the right to appear before the hearing officer with witnesses and counsel of his selection. Requires the hearing officer to review whether the interim decision of the superintendent was arbitrary or capricious, and to either affirm or reverse the action of the superintendent. Further requires the hearing officer to notify the superintendent and the teacher of his final determination, with written reasons, within 10 days from the date of the hearing. Provides that if the superintendent's disciplinary action is affirmed, it is effective upon the teacher's receipt of the decision of the hearing officer and if the superintendent's disciplinary action is reversed, the teacher shall be restored to duty and the hearing officer shall issue written reasons.

New law provides that the school board or the teacher may petition a court of competent jurisdiction to review the matter as a summary proceeding pursuant to existing law. Provides that the court shall determine whether the disciplinary hearing officer abused his discretion

in deciding whether the action of the superintendent was arbitrary or capricious based on the record of the disciplinary review hearing.

New law provides that the time periods contained in new law may be extended by mutual agreement of the parties and prohibits paid administrative leave as provided in new law from exceeding 50 days from notice of the superintendent's interim decision.

Existing law provides that a teacher be retained during the term of a contract unless found incompetent or inefficient or found to have failed to fulfill the terms and performance objectives of his contract. Prior law provided that before removal during the contract period, the teacher had the right to written charges and a fair hearing before the board after reasonable written notice. New law instead provides that before he can be removed he shall have the right to a hearing before a disciplinary hearing officer in the manner provided in new law.

Prior law authorized termination of a nontenured teacher by a school superintendent with written notice of the reasons for termination. New law instead authorizes a school superintendent to take disciplinary action against a nontenured teacher. Requires the superintendent to notify the teacher in writing of his final decision and provides that within 60 days of such notice, the teacher may seek summary review in a district court pursuant to existing law. Provides that the court's review shall be limited to determining whether the action taken by the superintendent was arbitrary or capricious.

Effective upon signature of governor (June 9, 2014).

(Amends R.S. 17:441, 442(C), 443, and 444(B)(4)(c)(iii))