

Teachers/Tenure

Prior law required each teacher to serve a three-year probationary term. Authorized local school boards to dismiss or discharge any probationary teacher upon written recommendation of the local superintendent accompanied by valid reasons. Provided that any teacher found unsatisfactory by the local school board at the end of the probationary term be dismissed. Provided that if not dismissed, the teacher would automatically become a regular and permanent teacher. Provided separate provisions for teachers in Orleans Parish and the special school district.

New law provides instead as follows:

- (1) A teacher who receives a performance rating of "highly effective" for five years within a six-year period shall be granted tenure.
- (2) A teacher who is not awarded tenure remains an at-will employee but shall acquire tenure upon meeting this rating requirement.
- (3) Beginning with the 2013-2014 school year, a tenured teacher who receives a performance rating of "ineffective" shall immediately lose tenure.
- (4) 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 grievance procedure established in existing law.
  - (b) The teacher receives a "highly effective" performance rating for five years within a six-year period.
- (5) Provides that a teacher who has acquired tenure before September 1, 2012, retains tenure and is subject to new law.
- (6) Consolidates the tenure provisions for all certified school employees.

New law adds that an employee of the Iberville Parish School Board who (1) is a member of or is eligible for membership in the State Teachers' Retirement System of La. and who is not covered by the provisions of existing law relative to tenure and (2) is hired on or after July 1, 2012, shall not be eligible to acquire permanent status.

Existing law authorizes removal of a tenured teacher upon written charges of willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of an entity prohibited from operating in the state. New law provides that poor performance is also grounds for removal of a tenured teacher. New law provides that an "ineffective" rating on a performance evaluation constitutes proof of poor performance, incompetence, or willful neglect of duty and that no additional documentation to substantiate such charges is required.

Prior law provided for a hearing by the school board to determine whether the teacher was guilty of the charges.

New law provides that a teacher has seven days to respond to written charges, after which time the superintendent may remove the teacher. Requires that the removed teacher be given a hearing if he requests one within seven days of removal. Provides for appointment of a panel to conduct such a hearing; the panel is 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.

Prior law provided that if the teacher was found guilty and ordered removed or disciplined by the board, the superintendent with approval of the board was required to furnish to the teacher a written statement of recommendation of removal or discipline. Authorized the

teacher to, within one year, petition a court for a full hearing to review the action of the school board. Provided that if the court reversed the finding of the school board and ordered the teacher reinstated, the teacher was entitled to full pay for any loss of time or salary.

New law requires the hearing panel to 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. Grants the teacher 60 days to petition a court to review the superintendent's action and to determine whether it was arbitrary or capricious. Requires that the record on review be limited to evidence presented to the tenure hearing panel.

Prior law provided that it did not impair the right of appeal to a court of competent jurisdiction. New law instead provides that it does not impair the right to seek supervisory review from such court.

Relative to nontenured teachers, new law:

- (1) Authorizes a superintendent to terminate employment upon providing the teacher with written charges therefor and the opportunity to respond.
- (2) Grants the teacher seven days to respond and provides that the response shall be included in the teacher's personnel file.

#### Teachers and other school employees/Salaries

Prior law provided minimum salary schedule requirements and extra compensation requirements for teachers, administrators, school support personnel, and other school employees. Provided relative to reductions in salaries for teachers.

New law repeals prior law and provides instead as follows:

- (1) Requires all public school governing authorities (public schools, state special schools, and schools and programs of the special school district) to establish salary schedules. Schedules for certified personnel shall be based on effectiveness; demand, inclusive of area of certification, particular school need, geographic area, and subject area, which may include advanced degree levels; and experience.
- (2) Provides that such salaries shall be considered as full compensation for all work required within each employee's prescribed scope of duties and responsibilities.
- (3) Prohibits any teacher or administrator rated as "ineffective" pursuant to existing law performance evaluation program from receiving a higher salary in the year following the evaluation than he received in the year of the evaluation.
- (4) Prohibits salary reductions, with certain exceptions.
- (5) Provides that a vocational agricultural teacher shall teach a 12-month program for a 12-month budget period and be paid a proportional salary for a 12-month budget period according to the salary schedule established by his employing school board.

#### Local School Boards & Superintendents/Powers/Employment

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

Prior law required the local superintendent to consult with principals relative to hiring and placement decisions and provided that recommendations made by the principal were not binding upon the superintendent. New law instead requires the superintendent to delegate such decisions to the principals, subject to his approval.

Prior law required a school board to approve or disapprove employment of teachers and certified personnel from recommendations made by the superintendent. Required the superintendent to make recommendations to the board in open public session. Required the board to provide opportunity for public comment. New law deletes prior law.

New 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.

Prior law required school boards to have rules and policies for the dismissal of school employees when there was a reduction in force. Required 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. New law deletes prior 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.
- (2) Policies for noncertified school personnel shall be based on performance and effectiveness as determined by local board policy.
- (3) No reduction in force policy shall include seniority or tenure as the primary criterion.

Prior law provided for appointment of a principal by the local school board. New law instead provides for principal appointment by the local superintendent.

New law requires local school boards to include specified performance targets in employment contracts with the local superintendent and to submit copies of such contracts to the state superintendent of education. Provides that any employment contract executed, negotiated, or renegotiated after July 1, 2012, between a board and superintendent that does not meet requirements of existing law and new law is null and void.

Prior law provided 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. New law provides instead that he shall be removed from office under these circumstances.

Effective July 1, 2012.

(Amends R.S. 17:54(B)(1)(b)(i) and (iii), 81(A) and (P)(1), 81.4, 229, 414.1, 441, 442, 443, and 444(B)(1); Adds R.S. 17:418 and 532(C); Repeals R.S. 17:44, 45, 81(I), 154.2, 235.1(E), 346.1, 419, 419.1, 420, 421, 421.1, 421.2, 421.3, 421.5, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 431, 444(A) and (B)(2) and (3), 446, 461-464, and 1207)