

Regular Session, 2014

SENATE BILL NO. 94

BY SENATOR GALLOT

TEACHERS. Provides relative to acquisition and loss of teacher tenure. (see Act)

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AN ACT

To amend and reenact R.S. 17:442(A) and (C), relative to teacher tenure; to provide different requirements and conditions for the acquisition and loss of tenure for specified time periods; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:442(A) and (C) are hereby amended and reenacted to read as follows:

§442. Tenure

A.(1)(a) A teacher who has acquired tenure before September 1, 2012, retains tenure and is subject to the provisions of this Section.

(b) Effective beginning on July 1, 2014, and continuing through June 30, 2025, a teacher rated "highly effective" for three consecutive years pursuant to the performance evaluation program as provided in R.S. 17:3881 through 3905 shall be granted tenure.

(c) Effective beginning on July 1, ~~2012~~ **2025**, a teacher rated "highly effective" for five years within a six-year period pursuant to the performance

1 evaluation program as provided in R.S. 17:3881 through 3905 shall be granted  
2 tenure.

3 (2) A teacher paid with federal funds shall not be eligible to acquire tenure,  
4 nor shall time spent in employment paid with federal funds be counted toward the  
5 time required for acquisition of tenure.

6 \* \* \*

7 **C.(1)(a) Beginning with the 2014-2015 school year and continuing**  
8 **through the 2024-2025 school year, a tenured teacher who receives a**  
9 **performance rating of "ineffective" for two consecutive years pursuant to the**  
10 **performance evaluation program as provided in R.S. 17:3881 through 3905**  
11 **shall immediately lose his tenure and all rights related thereto.**

12 **(b)** Beginning with the ~~2013-2014~~ **2025-2026** school year, a tenured teacher  
13 who receives a performance rating of "ineffective" pursuant to the performance  
14 evaluation program as provided in R.S. 17:3881 through 3905 shall immediately lose  
15 his tenure and all rights related thereto.

16 **(c)** If a teacher is rated "highly effective" based on the evidence of the growth  
17 portion of the evaluation but is rated "ineffective" according to the observation  
18 portion, within thirty days after such finding, the teacher shall be entitled to a second  
19 observation by members of a team of three designees, chosen by the local  
20 superintendent, which shall not include the principal.

21 (2) Such teacher shall reacquire tenure if any of the following applies:

22 (a) The teacher's "ineffective" performance rating is reversed pursuant to the  
23 grievance procedure established pursuant to R.S. 17:3883(A)(5). In such case, the  
24 teacher's tenure shall be immediately reinstated.

25 **(b) The Beginning with the 2014-2015 school year and continuing**  
26 **through the 2024-2025 school year, the teacher receives a performance rating**  
27 **of "highly effective" for three consecutive years subsequent to receiving an**  
28 **"ineffective" rating as provided in Subsection A of this Section.**

29 **(c) Beginning with the 2025-2026 school year, the** teacher receives a

1 performance rating of "highly effective" for five years within a six-year period  
 2 subsequent to receiving an "ineffective" rating as provided in Subsection A of this  
 3 Section.

4 \* \* \*

5 Section 2. This Act shall become effective upon a court judgment issued declaring  
 6 Act 1 of the 2012 Regular Session of the Louisiana Legislature to be constitutional becoming  
 7 final and definitive.

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

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#### DIGEST

Gallot (SB 94)

#### **Relative to the acquisition of teacher tenure:**

Present law provides that beginning on 7/1/2012, a teacher rated "highly effective" for five years within a six-year period pursuant to the state's teacher evaluation program shall be granted tenure.

Proposed law provides that during the time period beginning on 7/1/2014 and ending on 6/30/2025, a teacher rated "highly effective" for three consecutive years pursuant to the state's teacher evaluation program shall be granted tenure. Further provides that beginning on 7/1/2025, a teacher rated "highly effective" for five years within a six-year period pursuant to the state's teacher evaluation program shall be granted tenure.

#### **Relative to the loss of teacher tenure:**

Present law provides that beginning with the 2013-2014 school year, a tenured teacher who receives a performance rating of "ineffective" pursuant to the state's teacher evaluation program shall immediately lose his tenure and all related rights.

Proposed law provides that beginning with the 2014-2015 school year and continuing through the 2024-2025 school year, a tenured teacher who receives a performance rating of "ineffective" for two consecutive years pursuant to the state's teacher evaluation program shall immediately lose his tenure and all related rights. Further provides that beginning with the 2025-2026 school year, a tenured teacher who receives a performance rating of "ineffective" pursuant to the state's teacher evaluation program shall immediately lose his tenure and all related rights.

Present law provides that if a teacher is rated "highly effective" based on the evidence of the growth portion of the evaluation but is rated "ineffective" according to the observation portion, within 30 days after such finding, the teacher shall be entitled to a second observation by members of a team of three designees, chosen by the local superintendent, which shall not include the principal.

Proposed law retains these provisions.

#### **Relative to reacquisition of teacher tenure:**

Present law provides that a teacher's tenure shall be immediately reinstated if a teacher's

"ineffective" performance rating is reversed pursuant to the grievance procedure established pursuant to present law.

Proposed law retains these provisions.

Present law provides that a teacher shall reacquire tenure if the teacher receives a performance rating of "highly effective" for five years within a six-year period subsequent to receiving an "ineffective" rating.

Proposed law provides that beginning with the 2014-2015 school year and continuing through the 2024-2025 school year, a teacher shall reacquire tenure if the teacher is rated "highly effective" for three consecutive years subsequent to receiving an "ineffective" rating. Further provides that beginning with the 2025-2026 school year, a teacher shall reacquire tenure if the teacher is rated "highly effective" for five consecutive years in a six-year period subsequent to receiving an "ineffective" rating.

Proposed law provides that proposed law is effective upon a court judgment issued declaring Act 1 of the 2012 Regular Session to be constitutional becoming final and definitive.

(Amends R.S. 17:442(A) and (C))