

Regular Session, 2014

HOUSE BILL NO. 453

BY REPRESENTATIVE HUNTER

SCHOOLS/EMPLOYEES: Provides relative to tenure for certain employees of the Monroe City School System

1 AN ACT

2 To amend and reenact R.S. 17:441(2) and 492(D)(1) and to enact R.S. 17:443.1, relative to
3 employees of the Monroe City School System; to provide relative to tenure for
4 school lunch supervisors and school bus operators; to provide relative to the process
5 for removal of a tenured teacher; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:441(2) and 492(D)(1) are hereby amended and reenacted and R.S.
11 17:443.1 is hereby enacted to read as follows:

12 §441. Definitions

13 As used in this Subpart, the word "teacher" means:

14 * * *

15 (2) Any school lunch supervisor employed by a local public school board
16 who holds a special parish school lunch supervisor's certificate issued by the
17 Department of Education of the state of Louisiana and whose employment requires
18 such certificate. No employee as defined in this Paragraph hired on or after July 1,
19 2012, shall be eligible to acquire tenure. However, any employee as defined in this

1 Paragraph and employed by the Monroe City School System is eligible to acquire
2 tenure.

3 * * *

4 §443.1. Removal of teachers with tenure in the Monroe City School System;
5 procedure; right to appeal

6 A. The provisions of R.S. 17:443 shall not apply to a teacher with tenure
7 employed by the Monroe City School System.

8 B. A teacher with tenure employed by the Monroe City School System shall
9 not be removed from office except upon written and signed charges of willful neglect
10 of duty, or incompetency, dishonesty, or immorality, or of being a member of or
11 contributing to any group, organization, movement, or corporation that is by law or
12 injunction prohibited from operating in the state of Louisiana, and then only if found
13 guilty after a hearing by the school board, which hearing may be private or public at
14 the option of the teacher. At least twenty days in advance of the date of the hearing,
15 the superintendent, with approval of the school board, shall furnish the teacher with
16 a copy of the written charges. The statement of charges shall include a complete and
17 detailed list of the specific reasons for such charges and shall include but not be
18 limited to the following: date and place of alleged offense or offenses, names of
19 individuals involved in or witnessing such offense or offenses, names of witnesses
20 called or to be called to testify against the teacher at the hearing, and whether or not
21 any such charges previously have been brought against the teacher. The teacher shall
22 have the right to appear before the board with witnesses on his behalf and with
23 counsel of his selection, all of whom shall be heard by the board at the hearing. For
24 the purpose of conducting such hearings, the board may issue subpoenas to compel
25 the attendance of all witnesses on behalf of the teacher. No provision of this Section
26 shall impair the right of appeal to a court of competent jurisdiction.

27 C. If a teacher with tenure is found guilty by the school board, after due and
28 legal hearing as provided by this Section, and ordered removed from office or
29 disciplined by the board, the superintendent, with approval of the board, shall furnish

1 to the teacher a written statement of recommendation of removal or discipline, which
2 shall include but not be limited to the exact reasons, offenses, or instances upon
3 which the recommendation is based. Such teacher may, not more than one year from
4 the date of the finding, petition a court of competent jurisdiction for a full hearing
5 to review the action of the school board, and the court shall have jurisdiction to
6 affirm or reverse the action of the school board in the matter. If the finding of the
7 school board is reversed by the court and the teacher is ordered reinstated and
8 restored to duty, the teacher shall be entitled to full pay for any loss of time or salary
9 sustained by reason of the action of the school board.

10 D. For the purposes of this Section, immorality shall mean any conviction
11 of a felony offense affecting the public morals enumerated in Part V of Chapter 1 of
12 Title 14 of the Louisiana Revised Statutes of 1950.

13 * * *
14 §492. Probation and tenure of bus operators

15 * * *
16 D.(1) The provisions of Subsection B of this Section, relative to a school bus

17 operator becoming a regular and permanent operator, are not applicable to any
18 school bus operator whose date of first employment with the school system is July
19 1, 2012, or thereafter. However, Subsection B is applicable to any school bus
20 operator employed by the Monroe City School System.

21 * * *

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)]

Hunter HB No. 453

Abstract: Relative to employees of the Monroe City School System, provides that school lunch supervisors and school bus operators are eligible to earn tenure; provides relative to the process for removing a tenured teacher.

Present law provides that a school lunch supervisor who was first hired by a local public school board prior to July 1, 2012, who holds a special parish school lunch supervisor's certificate issued by the La. Dept. of Education, and whose employment requires such

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certificate may acquire tenure. Proposed law provides that a school lunch supervisor employed by the Monroe City School System is eligible to acquire tenure if he has and is required to have such a certificate, regardless of when he was hired.

Present law provides relative to school bus operators becoming regular and permanent operators after a probationary term of three years. Provides that these provisions do not apply to any school bus operator whose date of first employment with the school system is July 1, 2012, or thereafter. Proposed law retains present law except to provide that present law providing for school bus operators becoming regular and permanent operators does apply to an operator employed by the Monroe City School System, regardless of when he was first employed.

Present law authorizes removal 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 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.

Present 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.

Proposed law retains present law except as applicable to tenured teachers in the Monroe City School System. With respect to such teachers in that system, proposed 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. Provides for a hearing by the school board to determine whether the teacher was guilty of the charges. Provides that if the teacher is found guilty and ordered removed or disciplined by the board, the superintendent, with approval of the board, is required to furnish to the teacher a written statement of recommendation of removal or discipline. Authorizes the teacher to, within one year, petition a court for a full hearing to review the action of the school board. Provides that if the court reverses the finding of the school board and orders the teacher reinstated, the teacher is entitled to full pay for any loss of time or salary. Provides that it does not impair the right of appeal to a court of competent jurisdiction.

(Amends R.S. 17:441(2) and 492(D)(1); Adds R.S. 17:443.1)