

Regular Session, 2014

SENATE BILL NO. 365

BY SENATOR APPEL

TEACHERS. Provides relative to tenure and the removal of teachers. (gov sig)

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AN ACT

To amend and reenact R.S. 17:442(C)(1) and 443(B), relative to teachers and administrators;
to provide relative to tenure; to provide relative to removal of a teacher or
administrator; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17: 442(C)(1) and 443(B) are hereby amended and reenacted to read
as follows:

§442. Tenure

* * *

C.(1) ~~Beginning with the 2013-2014 school year, a~~ A tenured teacher who
receives a performance rating of "ineffective" pursuant to the performance evaluation
program as provided in R.S. 17:3881 through 3905 shall immediately lose his tenure
and all **related** rights ~~related thereto~~. If a A teacher **who** 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 thirty 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

1 principal.

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3 §443. Removal of teachers; procedure; right to appeal

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5 B.(1) A teacher with tenure shall not be removed from office except upon
6 written and signed charges of poor performance, willful neglect of duty,
7 incompetency, dishonesty, immorality, or of being a member of or contributing to
8 any group, organization, movement, or corporation that is by law or injunction
9 prohibited from operating in the state of Louisiana, and then only if furnished with
10 a copy of such written charges and given the opportunity to respond. The teacher
11 shall have seven days to respond, and such response shall be included in the teacher's
12 personnel file. At the end of this seven-day time period, the superintendent may
13 terminate the teacher's employment. A teacher shall not be terminated for an
14 "ineffective" performance rating until completion of the grievance procedure
15 established pursuant to R.S. 17:3883(A)(5) if a grievance was timely filed. Within
16 seven days after dismissal, a teacher may request and upon request shall be granted
17 a hearing by a ~~panel~~ **committee** composed of a designee of the superintendent, a
18 designee of the principal or the administrative head of the state special school in
19 which the teacher was employed, and a designee of the teacher. In no case shall the
20 superintendent, the principal or state special school administrative head, or teacher
21 designate an immediate family member or any full-time employee of the school
22 system by which the teacher was employed who is under the supervision of the
23 person making the designation. Such hearing may be private or public, at the option
24 of the teacher, and shall begin within seven business days after receipt of the
25 teacher's request for such hearing. The teacher shall have the right to appear before
26 the tenure hearing ~~panel~~ **committee** with witnesses on his behalf and with counsel
27 of his selection, all of whom shall be heard by the ~~panel~~ **committee** at the hearing.
28 For the purpose of conducting hearings hereunder, the ~~panel~~ **committee** shall have
29 the power to issue subpoenas to compel the attendance of all witnesses. Nothing

a team of three designees, chosen by the local superintendent, which shall not include the principal.

Present law provides for the grounds for termination of a teacher and the procedures to be followed when terminating the employment of a teacher.

Proposed law deletes obsolete provisions and clarifies present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17: 442(C)(1) and 443(B))