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## DIGEST

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HB No. 1231

**Abstract:** Provides for enforcement of laws concerning certain responsibilities of local school boards and superintendents of schools contained in Act 1 of the 2012 RS, provides for the legislative auditor to send BESE any audit reports that cites certain violations of such laws by school boards. Provides for certain enforcement actions by BESE.

Present law (R.S. 17:54, 81, 81.4, 229, 414.1, and 418, as amended by Acts 2012, No. 1) provides relative to the powers and duties of school boards and local superintendents of schools. Requires local school boards to delegate authority for personnel decisions to the local superintendent, including policies related to reductions in force. Provides for appointments of principals by the local superintendent. Requires the superintendent to delegate hiring and placement decisions to school principals, subject to his approval. 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. Relative to reduction in force policies, provides that policies for teachers and administrators be based solely on demand, performance, and effectiveness; that policies for noncertified school personnel be based on performance and effectiveness as determined by local board policy; and that seniority or tenure cannot be the primary criterion for reduction in force.

Present law further 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 law is null and void. Requires that a local superintendent 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.

Present law also requires all public school governing authorities (public schools, state special schools, and schools and programs of the special school district) to establish salary schedules and specifies certain factors schedules shall be based upon. Provides that salaries shall be considered as full compensation for all work required. Prohibits any teacher or administrator rated as "ineffective" by a performance evaluation from receiving a higher salary in the year following the evaluation than he received in the year of the evaluation. Prohibits salary reductions, with certain exceptions. Provides for vocational agricultural teachers to teach and be paid on a 12-month basis.

Proposed law retains present law and provides for enforcement of present law by BESE.

Requires, if the legislative auditor receives an audit report of a local school board that states that the local school board is in violation of present law, or if the legislative auditor conducts an audit and the audit report identifies areas of noncompliance, that he notify the school board that he has received or completed such a report and, unless he receives affidavits of compliance signed by the board's auditor within 30 days, he is required to notify BESE of noncompliance.

Proposed law, upon notice of an initial violation, authorizes BESE to institute an action in mandamus or otherwise petition the court for an appropriate remedy to enforce compliance by the local school board. Upon any subsequent violation, requires BESE to institute such legal action. Requires bringing the action in the 19th JDC. Authorizes punishment of the members of the local school board for contempt if the school board fails to comply with a judgment making the writ of mandamus peremptory or a judgment otherwise directing the school board to act.

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

(Adds R.S. 17:81.1)