HLS 14RS-2553 ORIGINAL

Regular Session, 2014

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HOUSE BILL NO. 1232

BY REPRESENTATIVE NANCY LANDRY

SCHOOLS/BOARDS: Provides relative to the powers of local school boards and local superintendents with respect to the hiring, salaries, and dismissal of school employees

AN ACT

2	To amend and reenact R.S. 17:81(A), relative to powers of local school public boards and
3	local superintendents of schools; to prohibit certain actions by a school board
4	intended to interfere with personnel decisions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 17:81(A) is hereby amended and reenacted to read as follows:
7	§81. General powers of local public school boards
8	A.(1) Each local public school board shall serve in a policymaking capacity
9	that is in the best interests of all students enrolled in schools under the board's
0	jurisdiction. When establishing board policies, each board shall prioritize student
1	achievement, financial efficiency, and workforce development on a local, regional
12	and statewide basis. When choosing a local superintendent of schools, each board
13	shall select a leader who shall prioritize student achievement and act in the best
14	interests of all students enrolled in schools under the board's jurisdiction.
15	(2) Each local public school board shall determine the number of schools to
16	be opened, the location of school houses, and the number of teachers and other
17	school personnel to be employed. The local school superintendent shall have

authority to employ teachers personnel by the month or by the year, and to fix their

salaries and to prorate salaries, according to approved salary schedules, to

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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2	that however, there shall be no discrimination as to sex in the fixing thereof and
3	provided further, that it is not the purpose of this Section to require or direct the
4	reduction of any salary, or salary schedule, presently in force. The local school
5	superintendent shall see that the provisions of the state school law are complied with.
6	(3) Each local public school board shall delegate authority for the hiring.
7	and placement, and dismissal of all school personnel, including those for which state
8	certification is required to the local school superintendent. Each local public school
9	board shall also delegate to the local superintendent the authority to develop and
10	amend job descriptions and keep them current with state regulations and local school
11	district needs. It shall be the responsibility of the superintendent to ensure that all
12	persons have proper certification, as applicable, and are qualified for the position.
13	(4) Each local public school board shall adopt policies for and establish
14	procedures which require a local school superintendent to:
15	(a) Delegate to the principal all decisions regarding the hiring or placement
16	of any teacher or other personnel at the school in which the principal is employed,
17	subject to the approval of the local school superintendent.
18	(b) Consult with teachers prior to making any decisions regarding the hiring
19	or placement of a principal at the school in which such teachers are employed. Any
20	recommendations made by teachers shall not be binding upon the superintendent but
21	shall be considered by the superintendent when making employment decisions.
22	(5) No school board shall take any action or threaten to take any action
23	intended to interfere with, compel, or coerce any personnel decision by the
24	superintendent or a school principal, including the hiring, promotion, discipline,
25	demotion, transfer, discharge of, or assignment of work to any school employee.
26	Actions and threats of actions which are prohibited by this Paragraph when intended
27	to have such effect include but are not limited to the following:
28	(a) Modification of budgets including capital budgets.
29	(b) Shifting of funds or any other resource.

accommodate the needs of the district, all subject to the approved budget; provided

1	(c) Modification of tables of organization or assignment of positions.
2	(d) Modification of or failure to approve job descriptions.
3	(e) Modification of salaries or salary schedules.
4	(6) Any All policies and procedures adopted by a local public school board
5	pursuant to the provisions of this Subsection shall be in accordance with all laws, all
6	state rules, regulations, and policies relative to certification of teachers and other
7	personnel, and any court order or restrictions relative to desegregation.
8	(6) (7) The superintendent and the school principal shall make all
9	employment-related decisions based upon performance, effectiveness, and
10	qualifications as applicable to each specific position. Effectiveness, as determined
11	pursuant to R.S. 17:3881 through 3905, shall be used as the primary criterion for
12	making personnel decisions; however, in no case shall seniority or tenure be used as
13	the primary criterion when making decisions regarding the hiring, assignment, or
14	dismissal of teachers and other school employees personnel.
15	* * *
16	Section 2. This Act shall become effective upon signature by the governor or, if not
17	signed by the governor, upon expiration of the time for bills to become law without signature
18	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19	vetoed by the governor and subsequently approved by the legislature, this Act shall become
20	effective on the day following such approval.

## **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)]

Nancy Landry HB No. 1232

**Abstract:** Provides relative to powers of local public school boards and local public superintendents of schools with respect to personnel decisions.

<u>Present law</u> requires each local public school board to determine the number of schools to be opened, the location of school houses, and the number of teachers and other school personnel to be employed.

<u>Present law</u> authorizes the local school superintendent to employ teachers by the month or by the year, and to fix their salaries. <u>Proposed law</u> authorizes the superintendent to employ all personnel by the year or month. Further authorizes the superintendent to prorate salaries.

<u>Present law</u> requires a school board to delegate authority for the hiring and placement of all school personnel, including those for which state certification is required, to the local school superintendent. <u>Proposed law</u> additionally requires that the school board delegate to the superintendent the authority to dismiss personnel and the authority to develop and amend job descriptions and keep them current.

<u>Present law</u> requires a school board to adopt policies for and establish procedures which require a local school superintendent to delegate to the principal all decisions regarding the hiring or placement of personnel at the school in which the principal is employed, subject to the approval of the local school superintendent. <u>Proposed law</u> retains <u>present law</u>.

<u>Proposed law</u> prohibits a school board from taking or threatening any action intended to interfere with, compel, or coerce any personnel decision by the superintendent or a school principal, including the hiring, promotion, discipline, demotion, transfer, discharge, or assignment of work to any school employee. Provides that the following actions and threats of actions are specifically prohibited when intended to have such effect:

- (1) Modification of budgets including capital budgets.
- (2) Shifting of funds or any other resource.
- (3) Modifications of tables of organization or assignment of positions.
- (4) Modification of or failure to approve job descriptions.
- (5) Modification of salaries or salary schedules.

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

(Amends R.S. 17:81(A))