

Regular Session, 2014

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

1 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  
10 jurisdiction. When establishing board policies, each board shall prioritize student  
11 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  
18 authority to employ ~~teachers~~ personnel by the month or by the year, and to fix their  
19 salaries and to prorate salaries, according to approved salary schedules, to

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



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

Present law 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. Proposed law 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.

Present law 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. Proposed law retains present law.

Proposed law 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))