

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 public school 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

1 authority to employ ~~teachers~~ personnel by the month or by the year, and to fix their
2 salaries and to prorate salaries, according to approved salary schedules, to
3 accommodate the needs of the district, all subject to the approved budget; provided
4 that however, there shall be no discrimination as to sex in the fixing thereof and
5 provided further, that it is not the purpose of this Section to require or direct the
6 reduction of any salary, or salary schedule, presently in force. The local school
7 superintendent shall see that the provisions of the state school law are complied with.

8 (3) Each local public school board shall delegate authority for the hiring,
9 ~~and placement, and dismissal~~ of all school personnel, including those for which state
10 certification is required to the local school superintendent and such a dismissal shall
11 be in accordance with R.S. 17:443 if applicable. Each local public school board shall
12 also delegate to the local superintendent the authority to develop and amend job
13 descriptions and keep them current with state regulations and local school district
14 needs, which job descriptions are subject to the approval of the board. It shall be the
15 responsibility of the superintendent to ensure that all persons have proper
16 certification, as applicable, and are qualified for the position.

17 (4) Each local public school board shall adopt policies for and establish
18 procedures which require a local school superintendent to:

19 (a) Delegate to the principal all decisions regarding the hiring or placement
20 of ~~any teacher or other~~ personnel at the school in which the principal is employed,
21 subject to the approval of the local school superintendent.

22 (b) Consult with teachers prior to making any decisions regarding the hiring
23 or placement of a principal at the school in which such teachers are employed. Any
24 recommendations made by teachers shall not be binding upon the superintendent but
25 shall be considered by the superintendent when making employment decisions.

26 (5)(a) No school board shall take any action or threaten to take any action
27 intended to interfere with, compel, or coerce any personnel decision by the
28 superintendent or a school principal, including the hiring, promotion, discipline,
29 demotion, transfer, discharge of, or assignment of work to any school employee.

1 Actions and threats of actions which are prohibited by this Paragraph when intended
2 to have such effect include but are not limited to the following:

- 3 (i) Modification of budgets including capital budgets.
- 4 (ii) Shifting of funds or any other resource.
- 5 (iii) Modification of tables of organization or assignment of positions.
- 6 (iv) Modification of or failure to approve job descriptions.
- 7 (v) Modification of salaries or salary schedules.

8 (b) Nothing in this Paragraph shall be construed to supersede the authority
9 granted to local public school boards pursuant to R.S. 17:54 relative to the hiring and
10 removal of local school superintendents.

11 (6) ~~Any~~ All policies and procedures adopted by a local public school board
12 pursuant to the provisions of this Subsection shall be in accordance with all laws, all
13 state rules, regulations, and policies relative to certification of ~~teachers and other~~
14 personnel, and any court order or restrictions relative to desegregation.

15 ~~(6)~~ (7) The superintendent and the school principal shall make all
16 employment-related decisions based upon performance, effectiveness, and
17 qualifications as applicable to each specific position. Effectiveness, as determined
18 pursuant to R.S. 17:3881 through 3905, shall be used as the primary criterion for
19 making personnel decisions; however, in no case shall seniority or tenure be used as
20 the primary criterion when making decisions regarding the hiring, assignment, or
21 dismissal of ~~teachers and other school employees~~ personnel.

22 * * *

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored
are additions.

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.

Present law 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.

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, subject to board approval. Provides that such dismissal be done in accordance with present law (R.S. 17:443, relative to removal of teachers) if applicable.

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 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.

Provides that proposed law shall not supersede present law (R.S. 17:54, relative to hiring and removal of local superintendents).

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

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Adds that the delegation of authority to dismiss personnel be done in accordance with present law (relative to removal of teachers) if applicable.
2. Adds that job descriptions are subject to school board approval.
3. Adds that proposed law shall not supersede present law relative to hiring and removal of local superintendents.