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## DIGEST

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HB 892 Original

2016 Regular Session

James

**Abstract:** Provides relative to due process for teachers.

Present law provides that a teacher who acquired "tenure" before Sept. 1, 2012, retains tenure. Proposed law provides a teacher who has acquired "permanent status" before such date retains that status.

Present law provides that as of July 1, 2012, a teacher rated "highly effective" for five years within a six-year period pursuant to the present law performance evaluation program shall be granted "tenure". Proposed law instead provides that as such date, a teacher whose final evaluation is within the "effective" range for three consecutive years shall automatically become a "permanent" teacher.

Present law provides that a teacher paid with federal funds shall not be eligible to acquire tenure, nor shall time spent in employment paid with federal funds be counted toward the time required for acquisition of tenure. Requires the superintendent to notify a teacher, in writing, when tenure has been awarded and provides that the teacher is deemed to have acquired tenure on the date specified therein. Provides that a teacher who is not awarded tenure remains an at-will employee of the public school board or the special school district but shall acquire tenure upon meeting the required criteria. Proposed law deletes present law.

Proposed law provides the following relative to the effect of evaluations on the status of teachers:

- (1) A teacher whose final evaluation rating is "ineffective" shall be provided the intensive assistance required by present law by the employing school board.
- (2) A superintendent shall take disciplinary action against any teacher who, despite being provided the intensive assistance, receives a final evaluation rating of "ineffective" for two consecutive years.
- (3) No disciplinary action shall be taken against a teacher until the teacher fully exhausts the grievance procedure established pursuant to present law.
- (4) If a teacher is found "highly effective" based on the evidence of the growth portion of his evaluation but is found "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 school superintendent, which shall not include the teacher's principal.

Present law authorizes a school superintendent to take disciplinary action against any nontenured teacher after providing such teacher with the written reasons therefor and the opportunity to respond. Proposed law instead requires a superintendent, when proposing to take disciplinary action against a probationary teacher, to provide the teacher with the written reasons therefor and the opportunity to respond.

Present law grants the teacher seven days to respond and provides that such response shall be included in the teacher's personnel file. Proposed law increases this time period from seven days to 10 days and adds a process relative for disciplinary action.

Proposed law deletes present law provisions relative to the removal of teachers with tenure and adds a new disciplinary process for permanent teachers.

Present law provides that when a tenured teacher is promoted from a position of lower salary to one of higher salary, he shall not be eligible to earn tenure in the position to which he is promoted, but shall retain any tenure acquired as a teacher.

Proposed law instead provides that when a permanent teacher is promoted to a position as an administrator, he shall retain his status as a permanent teacher and that when a probationary teacher is promoted to a position as an administrator, his probationary period shall continue to run; if his final evaluation is within the "effective" range for three consecutive years he shall automatically attain the status of a permanent teacher. When a person is employed as an administrator, he shall attain the status of a permanent teacher if his final evaluation is within the "effective" range for three consecutive years. Proposed law also provides relative to the contracts of administrators.

(Amends R.S. 17:441, 442(A) and (B), 443, 444(B)(1) and (4)(b) and (c)(i) and (v), and 445; Adds R.S. 17:442.1, 443.1, 444(A), 444.1, and 446; Repeals R.S. 17:442(C) and 444(B)(4)(c)(iii) and (iv) and (d) and (5))