



## A Very Basic Primer on Act I / HB 974 2012 (aka “tenure” bill; “talent” bill)

The very first thing one must understand is *that Act 1 is about a whole lot more than teacher tenure or teacher due process*. The fact that it has so many “objects” / intentions is one reason the LFT has questioned its constitutionality, since Article 3, Section 15 of the Louisiana Constitution mandates that every bill shall be defined to “one object.” As you’ll note in the frames that follow, *Act 1 certainly seems to hold little regard for Article 3 of the Constitution:*

### 1. Local School Boards, Superintendents, qualifications, appointments, agreements between boards and removal of superintendents

- Requires C D and F districts to include certain performance goals in their contracts
- Requires each local public school board to submit a copy of its current employment contract with the superintendent to the State Superintendent
- Requires each local public school board to specify reasons for non-renewal of such contract at the time it terminates or fails to renew
- Declares any contract that does not meet the above requirements to be null and void.
- Specifies that any superintendent failing to meet the specified goals in his contract as a result of the requirements for C D and F school districts shall be removed from office, shall have the write to written charge and a fair hearing before the school board after reasonable written notice.

### 2. General powers of School Boards

- Designates school board as “policy making” entity
- Delegates power to select teachers to Superintendents, removing such duties from the authority of school boards
- Specifies that the Superintendent shall ensure state law is followed, removing duty of school board to ensure compliance with such law.
- Delegates decisions regarding hiring and placement of teachers to individual principals subject to approval of the local superintendent.
- Deletes provisions allowing the school board’s ability to approve or disapprove employment of personnel.

### 3. Hiring and Firing decisions

- Specifies that Effectiveness as defined by R.S. 17:3881 shall serve as the primary criterion for making personnel decisions
- Prohibits consideration of seniority or tenure as primary criterion in hiring, assignment or dismissal of teachers or school employees.

### 4. Reductions in Force and Dismissal

- Requires that by September 1, 2012 each local school board shall develop and adopt rules that delegate reduction in force decisions to superintendent.
- Specifies that all reduction in force decisions shall be made solely upon demand, performance, and effectiveness; least effective teacher within each targeted subject area or area of certification first, then proceeding by effectiveness rating until reduction has been accomplished.
- For teachers not evaluated pursuant to current law criteria considered for RIF policy shall be effectiveness and performance as determined by school board policy, and certification or academic preparation.
- Seniority or tenure shall not be considered as the primary criterion when instituting a reduction in force.

### 5. Visiting Teachers

- Visiting Teachers shall be appointed by the local superintendent, not the local school board.

### 6. Principals

- Delegates appointment of principals to Superintendents
- Removes role of School Board in selecting principals

### 7. Salaries

- Requires the “governing authority” of each public school to establish a salary schedule by January 1, 2013
- Salary schedules must be based on the following, with no one criterion accounting for more than 50% of the formula:
  1. Effectiveness (VAM)
  2. Demand / Needs of system
  3. Experience(No other “advice / guidance” is provided regarding how this is to be done)  
No “ineffective” teacher shall receive a pay raise
  - Such Salary will be considered payment in full

### 8. Tenure

- New hires will earn tenure after being rated “highly effective” five out of six years.
- Current tenured teachers will retain tenure unless they are rated ineffective for (even) one year.
- Teachers who lose their tenure will be considered “at will” employees but may regain their tenured status by being rated highly effective five out of six years
- Teachers paid with federal funds shall not be eligible to acquire tenure
- A superintendent shall notify a teacher, in writing, when tenure has been awarded.

### 9. Removal of Teachers and Right to appear

- Any nontenured teacher may be terminated after providing such teacher with written reasons therefore and providing the teacher the opportunity to respond.
- Removal of a teacher with tenure
- Requires signed written charges of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member for contributing to any group, organization, movement or corporation that is by law or injunction prohibited from operating in the state of Louisiana. An opportunity to respond must be provided.
- A seven day response period, during which time the tenured teacher may request a hearing, must be allowed before termination.
- Upon request for a hearing within seven days a teacher shall be given the right to appear before a tenure hearing panel comprised of a designee of the superintendent, a designee of the teacher’s principal, and a designee of the teacher’s choosing.
- If a teacher wishes to appeal the hearing panel’s decision to a court of competent jurisdiction, she must do so within 60 days of the hearing panel’s decision, and the record on review shall be limited to that evidence presented before the hearing panel.
- An “ineffective” rating shall constitute proof of poor performance, incompetence, or willful neglect of duty and no additional documentation shall be required to substantiate such charges.