

2019 Regular Session

HOUSE BILL NO. 337

BY REPRESENTATIVE SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TEACHERS/EVALUATION: Provides relative to teacher and administrator evaluations and related grievance procedures

1 AN ACT

2 To amend and reenact R.S. 17:3883(A)(5) and 3884(A), relative to the evaluation of
3 teachers and administrators; to provide relative to grievance procedure requirements
4 for teachers and administrators aggrieved by evaluation ratings; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:3883(A)(5) and 3884(A) are hereby amended and reenacted to
8 read as follows:

9 §3883. State Board of Elementary and Secondary Education; powers and duties

10 A. The board shall:

11 * * *

12 (5) Develop and adopt grievance procedure requirements for any teacher or
13 administrator aggrieved by any rating ~~by a local board~~ which results from the
14 implementation of this Part. Such requirements shall contain, at a minimum,
15 provisions for the following:

16 (a) For the portion of the evaluation rating derived pursuant to R.S.
17 17:3902(B)(3):

18 (i) That the teacher or administrator be provided a copy of the evaluation and
19 the evaluators' data recording forms and any documentation related thereto and be
20 entitled to respond as provided in R.S. 17:3884.

1 ~~(b)(ii)~~ That the teacher or administrator be assured of due process, including
2 representation, in all aspects of the evaluation grievance procedures.

3 ~~(c)(iii)~~ That the local board shall administer the evaluation in a fair,
4 objective, and consistent manner and shall comply with all rules and regulations
5 adopted by the board and that the failure to do so shall be a grievable matter.

6 (b) For the portion of the evaluation rating derived pursuant to R.S.
7 17:3902(B)(5):

8 (i) That the state superintendent of education shall designate one or more
9 individuals to hear and determine grievances.

10 (ii) That the teacher or administrator be provided access to the data used to
11 derive the rating and any documentation related thereto and be entitled to respond
12 as provided in R.S. 17:3884.

13 (iii) That the teacher or administrator be assured of due process, including
14 representation, in all aspects of the evaluation grievance process.

15 (iv) That the local superintendent and the individuals designated by the state
16 superintendent of education shall ensure that the ratings received by teachers and
17 administrators are fair, objective, and consistent.

18 (v) That the individuals designated by the state superintendent of education
19 shall comply with all rules and regulations adopted by the board and that the failure
20 to do so shall be a grievable matter.

21 * * *

22 §3884. Evaluation records; response; access

23 A.(1) Each evaluation required in this Part shall be documented in writing
24 and a copy shall be transmitted to the school employee not later than fifteen days
25 after the evaluation takes place. The employee shall have the right to initiate a
26 written reaction or response to the evaluation. A written reaction or response to the
27 portion of the evaluation derived pursuant to R.S. 17:3902(B)(3) shall be presented
28 to the local superintendent. A written reaction or response to the portion of the
29 evaluation derived pursuant to R.S. 17:3902(B)(5) shall be presented to the state

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

1 superintendent of education. Such response and evaluation shall become a
2 permanent attachment to the official personnel file for the employee.

3 (2) After the evaluation and any documentation related thereto has been
4 transmitted to the employee, upon request of the employee, and before the end of the
5 school year, a meeting shall be held between the employee and the individual
6 designated by the state superintendent of education for grievances related to R.S.
7 17:3902(B)(5) and with ~~appropriate official of the local board~~ superintendent for
8 ~~grievances related to R.S. 17:3902(B)(3)~~ in order that the employee may respond to
9 the evaluation and have the opportunity to amend; or remove; ~~or strike~~ any
10 information proven to be inaccurate or invalid as may be found within the written
11 documentation and from the employee's personnel file. The employee shall have the
12 right to receive proof by documentation of any item contained in the evaluation that
13 the employee believes to be inaccurate, invalid, or misrepresented. If such
14 documentation is not presented, such items shall be removed from the evaluation
15 record and shall not be the basis for any decision of the board regarding certification
16 or the local board regarding any employee action.

17 * * *

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)]

HB 337 Original

2019 Regular Session

Smith

Abstract: Provides relative to grievance procedures for teachers and administrators aggrieved by evaluation ratings including those portions of such ratings derived from the observation and value-added assessment model components.

Present law relative to teacher and administrator evaluations provides that the elements of evaluation and standards for effectiveness shall be defined by the State Bd. of Elementary and Secondary Education (BESE) and shall require that, at a minimum, local evaluation plans contain certain components including a job description, a professional growth plan, observation and conferencing, and classroom visitation. Also requires the use of a value-added assessment model as determined by BESE. Requires that 50% of such evaluations be based on evidence of growth in student achievement as determined by BESE. Provides that data derived from the value-added assessment model shall be a factor in determining evidence of student growth for grade levels and subjects for which value-added data is available and shall comprise 35% of the overall evaluation.

Present law requires BESE to develop and adopt grievance procedure requirements for teachers and administrators aggrieved by their evaluation ratings. Provides that such requirements, at a minimum, include that the teacher or administrator be provided a copy of the evaluation and related documentation and be entitled to respond as provided in present law, be assured of due process, and that the evaluation is administered in a fair, objective, and consistent manner.

Present law further provides that the employee has the right to initiate a written reaction or response to the evaluation which shall be part of the employee's official personnel file. Allows the employee to request a meeting with the appropriate local school board official to respond to the evaluation and amend or remove inaccurate or invalid information in the documentation.

Proposed law provides that present law grievance procedure minimum requirements apply to the portion of the evaluation derived pursuant to the observation and conferencing component. Adds the following minimum requirements as it relates to the portion derived pursuant to the measure of effectiveness (value-added assessment model):

- (1) That the state superintendent of education designate one or more individuals to hear and determine grievances.
- (2) That the teacher or administrator be provided access to the data used to derive the rating and any documentation related thereto and be entitled to respond as provided in present law.
- (3) That the teacher or administrator be assured of due process, including representation, in all aspects of the evaluation grievance process.
- (4) That the local superintendent and the individuals designated by the state superintendent ensure that the ratings received by teachers and administrators are fair, objective, and consistent.
- (5) That the individuals designated by the state superintendent comply with all rules and regulations adopted by BESE and that the failure to do so shall be a grievable matter.

Proposed law adds that a written reaction or response to the portion of the evaluation derived pursuant to observations and conferencing shall be presented to the local superintendent and a written reaction or response to the portion derived pursuant to the value-added assessment model shall be presented to the state superintendent of education. Allows the employee to request a meeting with the individual designated by the state superintendent of education for grievances related to the value-added assessment model and with the local superintendent for grievances related to observations and conferencing to respond to the evaluation.

Otherwise retains present law.

(Amends R.S. 17:3883(A)(5) and 3884(A))