

Regular Session, 2013

HOUSE BILL NO. 478

BY REPRESENTATIVE CHAMPAGNE

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

SCHOOLS/BOARDS: Provides relative to school board reduction in force policies

1 AN ACT

2 To amend and reenact R.S. 17:81.4, relative to school board reduction in force policies; to
3 provide relative to dismissals pursuant to such polices; to provide relative to rehiring
4 of dismissed personnel; to provide relative to consideration of tenure status in
5 personnel decisions under such polices; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:81.4 is hereby amended and reenacted to read as follows:

8 §81.4. Reductions in force; dismissal of teachers and other school employees

9 A. ~~Not later than September 1, 2012, each~~ Each local public school board
10 shall develop and adopt rules and policies that delegate reduction in force decisions
11 to the superintendent ~~which he~~ who shall ~~use~~ follow such rules and policies in
12 dismissing teachers and other employees at any time a reduction in force is instituted
13 by the board. Such rules and policies shall be made available for public inspection
14 ~~by teachers, other school employees, and the general public~~ within ten days after
15 final adoption.

16 B. All dismissals of school and school system employees necessitated by a
17 reduction in force ~~policies adopted for use in dismissing teachers and administrators~~
18 shall be based solely upon demand, ~~performance~~, and effectiveness, as determined
19 by the performance evaluation program as provided in R.S. 17:3881 through 3905.

20 Any reduction in force ~~by a superintendent~~ shall be instituted by dismissing the least

1 effective teacher within each targeted subject area or area of certification first, and
2 then proceeding by effectiveness rating until the reduction in force has been
3 accomplished.

4 C. ~~All reduction in force policies adopted by a local school board for use by~~
5 ~~the superintendent in dismissing school employees who are not evaluated pursuant~~
6 ~~to R.S. 17:3881 through 3905, shall be based upon the following criteria:~~

7 (1) ~~Performance and effectiveness as determined by school board policy.~~

8 (2) ~~Certification or academic preparation, if applicable.~~

9 No teacher dismissed due to reduction in force shall have a preference in
10 hiring regardless of the teacher's tenure status at the time of dismissal.

11 D. All reduction in force policies of local public school boards ~~and special~~
12 ~~schools as provided in this Section~~ shall include:

13 (1) The right of an employee ~~notified of an action which results from~~
14 dismissed as a result of implementation of a reduction in force ~~policy~~ to request in
15 writing a review of such action and to receive notice of the results of such review.

16 (2) The right of an employee dismissed as a result of implementation of a
17 reduction in force to pursue the matter through the school board's adopted grievance
18 procedure.

19 E. No ~~reduction in force policy adopted by a local public school board~~ shall
20 include seniority or tenure status as ~~the primary~~ a criterion to be considered in
21 dismissal decisions when instituting a its reduction in force policies, and no local
22 superintendent shall consider seniority or tenure status in dismissal decisions when
23 instituting a reduction in force.

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)]

Champagne

HB No. 478

Abstract: Provides relative to reduction in force polices which local school boards are required to adopt.

Present law requires local school boards to adopt rules and policies that delegate authority for reduction in force decisions to the local superintendent. Proposed law retains present law.

Present law provides that in implementing a reduction in force and making dismissal decisions affecting teachers and administrators, the superintendent shall consider demand, performance, and effectiveness. Present law provides that effectiveness shall be as determined by present law relative to the performance evaluation program. Dismissal determinations regarding employees who are not evaluated pursuant to the program shall be based on performance and effectiveness as determined by local board policy and certification or academic preparation if applicable.

Proposed law provides that effectiveness of all employees shall be as determined by the performance evaluation program. Removes performance as a factor to be considered in dismissal decisions.

Proposed law provides that no teacher dismissed due to a reduction in force shall have a preference in hiring regardless of the teacher's tenure status at the time of dismissal.

Present law prohibits inclusion of seniority or tenure as a primary dismissal criterion in a reduction in force policy. Proposed law prohibits any inclusion of seniority or tenure status as a criterion in the policy and prohibits the superintendent from considering seniority or tenure status in making dismissal decisions.

(Amends R.S. 17:81.4)