

Regular Session, 2012

HOUSE BILL NO. 632

BY REPRESENTATIVE CARTER

TEACHERS: Provides for applicability of teacher tenure laws

1 AN ACT

2 To amend and reenact R.S. 17:45(A)(introductory paragraph) and to enact Subpart G of Part
3 II of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950, to be
4 comprised of R.S. 17:551, relative to teacher tenure; to provide for applicability of
5 certain teacher tenure provisions; to provide definitions; to provide for effectiveness;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:45(A)(introductory paragraph) is hereby amended and reenacted
9 and Subpart G of Part II of Chapter 2 of Title 17 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 17:551, is hereby enacted to read as follows:

11 §45. Probation and tenure of teachers in special schools

12 A. As used in this Subpart, the word "teacher" means any certified employee
13 in a special school hired prior to July 1, 2012, who holds a teacher's certificate and
14 whose legal employment requires certification under the regulations of the board or
15 of any certification authority established by law. A teacher shall be entitled to tenure
16 benefits as follows:

17 * * *

18 SUBPART G. APPLICABILITY

19 §551. Applicability

20 A. The provisions of R.S. 17:441 through 471 shall not apply to any teacher
21 hired on or after July 1, 2012.

1 B. For purposes of this Section, the term "teacher" shall mean any employee
 2 of a city, parish, or other local public school board or the Department of Public
 3 Safety and Corrections who holds a valid Louisiana teaching certificate issued by the
 4 state Department of Education and whose legal employment requires such teaching
 5 certificate.

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

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)]

Carter

HB No. 632

Abstract: Provides that present law relative to teacher tenure shall not apply to any teacher hired on or after July 1, 2012.

Present law (applicable to teachers in general, including teachers in special schools and state institutions) requires each teacher to serve a probationary term of three years. Authorizes the dismissal of any probationary teacher upon written recommendation of the superintendent or other employer, as applicable, accompanied by valid reasons therefor. Provides that any teacher found unsatisfactory at the expiration of the probationary term shall be notified in writing by the school board or other employer, as applicable, that he has been dismissed. Provides that in the absence of such notification, the teacher shall automatically become a regular and permanent teacher where he successfully served his three-year probationary term.

Present law provides that if a teacher is promoted to a higher position prior to completing the three-year probationary period, then the probationary period shall continue and at the end of such period the teacher shall automatically acquire permanent status in the previously held position of teacher. Further provides that when a person is employed (in a local system or special school) to take a higher salaried position than that paid to a teacher in the system and such employment requires a teaching certificate or any appropriate administrative/supervisory endorsement, or both, such person shall automatically acquire permanent status in the position of teacher after successful completion of three years of service in the position for which he was hired provided he is qualified to teach.

Present law provides relative to causes for removal from office of permanent teachers. Provides due process for such removal including legal hearings.

Proposed law retains present law for all teachers hired prior to July 1, 2012. Proposed law specifies that present law shall not apply to any teacher hired on or after July 1, 2012, and defines "teacher" as any employee of a city, parish, or other local public school board or the

Dept. of Public Safety and Corrections who holds a valid La. teaching certificate issued by the state Dept. of Education and whose legal employment requires such teaching certificate.

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

(Amends R.S. 17:45(A)(intro. para.); Adds R.S. 17:551)