



# SENATE MAJORITY POLICY OFFICE

## BILL ANALYSIS

**Bill Number:** House Bill 4626 -- Enrolled -- Scott

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### HIGHLIGHTS

- HB 4626 (enrolled) changes the reasons for which a teacher can be discharged or demoted from “reasonable and just cause” to “a reason that is not arbitrary or capricious.”
- Re-defines “demote” to mean reducing compensation by the equivalent of 30 days’ worth of compensation rather than 3 days’ worth.
- It also adds the following to the definition of “demote”: to suspend without pay for 15 or more consecutive days.
- A demotion would *not* be defined as a necessary reduction in personnel, or the discontinuance of or reduction in salary due to changes in a performance-based compensation system.
- If a district suspends a teacher who is charged with a criminal offense, the district could withhold the teacher’s pay and place it in escrow. It could stay in escrow until the conclusion of proceedings.

### SHORT SUMMARY:

House Bill 4626 (enrolled) amends the Teacher Tenure Act to re-define the term “demote,” change the reason for which a tenured teacher may be discharged or demoted, allow for a teacher’s salary to be withheld early under certain circumstances , and make changes to the requirements for a leave of absence.

### BACKGROUND:

Under current tenure law, it is too easy for a disgruntled teacher to appeal being dismissed or demoted. It is also very difficult to dismiss a tenured teacher in the first place. Furthermore, it is so costly and time-consuming to battle a suspended teacher in the appeals process, that most schools do not even try to dismiss ineffective teachers in the first place. The goal of this legislation is to address these problems so that ineffective teachers can be removed from the classroom to make way for the quality teachers our children deserve.

### SENATE ANALYSIS:

Under current law, the term “demote” means to reduce compensation for a particular school year by more than an amount equivalent to 3 days’ compensation or to transfer to a position carrying a lower salary. House Bill 4626 (enrolled) changes the definition of “demote” to “to suspend without pay for 15 or more consecutive days or reduce compensation for a particular school year by more than an amount equivalent to 30 days’ compensation...(and keeps the provision regarding the other position).”

The bill adds that a demotion does not include a necessary reduction in personnel including, but not limited to, a reduction in workweeks or workdays or a reduction in performance-based compensation. It also does not include discontinuing or reducing pay based on a performance-based compensation system.  
(Article I, section 4)

Under current law, discharge or demotion of a tenured teacher may be made only for “reasonable and just cause” and only as provided in the act. The bill changes “reasonable and just cause” to “a reason that is not arbitrary or capricious” (and keeps “as provided in the act”).

(The changes in definition described above would result in cases not going to the tenure commission so quickly or easily.)

Under current law, if a teacher is suspended under the act, the teacher's salary must continue during the suspension. For a teacher who has been charged with a criminal offense and is suspended, the bill allows a school district to conduct a pre-termination hearing and then place the suspended teacher's salary in escrow after the hearing. The salary would remain in escrow until all the proceedings are concluded. If a teacher wins an appeal that is not contested by the school board or is later reinstated, the teacher would have to be reimbursed. Otherwise, the board would be entitled to the amount in escrow. The board could choose to pay the cost of the health care premium it was responsible for before the suspension.  
(Article IV, section 3)

Under current law, any board may grant a teacher a leave of absence without request by the teacher because of physical or mental disability. This leave of absence may not exceed one year. The bill allows such an unrequested leave of absence to be extended beyond one year. It also allows a board to require such a teacher to furnish verification of the teacher's ability to perform his or her job before returning to work.  
(Article V, section 2)

The bill is tie-barred to House Bills 4625, 4627 and 4628.