

Louisiana Supreme Court declares anti-teacher tenure act constitutional

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The Supreme Court of Louisiana ruled last week that anti-teacher legislation passed by the state legislature in 2012 with the backing of Governor Bobby Jindal, known as Act 1, was constitutional, thus paving the way for mass teacher firings and public school closings as spelled out in the act.

The Act 1 legislation accomplishes this through drastic changes made to the procedures used to fire teachers and by completely eliminating tenure as a determining factor in teacher firing decisions.

Under the act, if a school within a given state district receives an overall performance score of “C,” “D” or “F” on student evaluations, then that school must establish definite performance goals related to student graduation rates, test results and teacher effectiveness both at the school and at the district level.

Imposition of new performance goals also results in the immediate modification of district superintendent contracts such that the superintendent will be immediately dismissed should his or her district not meet the new goals.

The goals are implemented at both the school and district levels for the student portion and only at the district level for the teacher evaluation portion. In other words, poor standardized test performance at a single district school will result in the implementation of the same onerous teacher performance goals at every district school.

Those district superintendents, whose jobs now rely on meeting the new performance goals, are also responsible for the hiring and firing of district teachers.

In the 2013-2014 school year, the state of Louisiana shelved its Compass system, which evaluated teachers based largely on student test performance, in favor of a more traditional evaluation model based on teachers and administrators setting their own performance goals.

This has led to state legislators and education reform groups calling results of such evaluations “meaningless,” as a greater percentage of teachers are rated as “effective” or “highly effective” under the new system.

The transition to a more traditional teacher testing methodology is a result of the fact that the state is still fully adopting the Obama administration’s Common Core program. After the program is fully adopted during the 2015-2016 school year, the state will most likely convert to a student testing-based, or “value-added” methodology, to better implement the teacher firing system outlined under Act 1. As such, the authorities will be given full rein to remove as many teachers as possible under the pretext of concern over student achievement, which will inevitably decline as a result of protracted reductions in school staff throughout the state.

To cite only one example, the Recovery School District, which oversees schools primarily in the city of New Orleans, fired 84 percent of its staff just last summer, reducing the total from 562 to just 92 staff members.

Moreover, in its guidelines related to staff reductions, the act states, “No reduction in force policy adopted by a local school board shall include seniority or tenure as the primary criterion to be considered when instituting a reduction in force.”

For the ruling elite, the main problem with public education is not decades of crippling budget cuts, layoffs and the widespread impoverishment of working class children. Instead, the blame is to be put entirely on the teachers themselves, with those teachers remaining being forced to handle larger class sizes with even less support.

The Supreme Court ruling comes after two previous

lower court rulings had declared Act 1 unconstitutional.

The most recent of the two, handed down by Fourth Judicial District Judge Benjamin Rhodes, ruled that the act did not provide adequate due process for tenured teachers who lost their jobs as a result of a reduction in force under Act 1.

Under the act, teachers so affected must appeal to a three-judge panel. Two of those judges are appointed by the district school superintendent. The act does not consider it a conflict of interest that the two judges are appointed by a superintendent responsible for the teacher firings in the first place.

Notably, the ruling did not address the question of summarily dismissing tenured teachers or the evaluation methodologies used to classify teachers as underperforming. This was highlighted by comments made by Governor Bobby Jindal immediately after the ruling. “It’s important to note that this opinion only impacts the tenure review process,” he said.

Nonetheless, this aspect of the act was completely permitted by the latest high court ruling. Instead, the Supreme Court overturned the second lower court ruling related to the so-called “Single Object” clause of the state constitution.

This second lower court ruling by Judge Michael Caldwell of the 19th District Court of Baton Rouge determined Act 1 to be unconstitutional as it would violate the “Single Object” clause which bars a single legislative act from containing disparate and conflicting issues.

According to the Supreme Court ruling, the Single Object clause was not violated due to the fact that all of the different aspects of the act relate to school performance.

For its part, the Louisiana Federation of Teachers (LFT) also focused entirely on the implications the act had on the Single Object clause and left its implications for tenure, due process and public education virtually unmentioned. In fact, the union has been working hand in glove with state government to implement one of the most concentrated and effective attacks against teachers and public education in the entire country.

Only last May, the city of New Orleans became the first all-charter school system in the United States. The tragedy of Hurricane Katrina was quite cynically and openly utilized to wipe out existing public schools, immediately handing over newly-constructed school

buildings to private charter operators who were immediately able to make large profits after only minimal investment.

In response to the Supreme Court ruling the LFT released a statement on its web site which expressed its own complete impotence and, indeed, collusion in this unprecedented attack on teachers. The LFT wrote, “The Supreme Court ruling marks the end of the court battle over Act 1. The LFT has always maintained, however, that the ultimate solution to the problems caused by Act 1 of 2012 will be legislative and not judicial.”



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