

Bond Case Briefs

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SCHOOLS - LOUISIANA

Lapointe v. Vermilion Parish School Bd.

Court of Appeal of Louisiana, Third Circuit - February 4, 2015 - So.3d - 2014-919 (La.App. 3 Cir. 2/4/15)

Following her termination, tenured teacher challenged Section 3 of Act 1 of the 2012 Regular Session of the Louisiana Legislature as it amended La.R.S. 17:443 as unconstitutional because it violated the due process rights of tenured public school teachers.

The Court of Appeal found that the overall scheme of Section 3 of Act 1 of 2012 as it amended and reenacted La.R.S. 17:443 was unconstitutional, as it deprived a tenured public school teacher adequate due process before he or she is terminated. Pursuant to Act 1, only one person, the superintendent, makes the decision to terminate, the superintendent. While the teacher is allowed to oppose the charges brought by the superintendent, it is only after termination that a tenured teacher is allowed to submit her case, including witnesses, to a panel. While it would seem that a teacher receives due process at this post-termination proceeding because she is entitled to a full evidentiary hearing, the court found that this was not the case.

The court held that teacher was entitled to reinstatement and her full pay and any other benefits to which she would have been entitled had she not been terminated.