

Regular Session, 2010

HOUSE BILL NO. 210

BY REPRESENTATIVE LEGER

SCHOOLS: Establishes and provides for the La. Statewide Education Facilities Authority

1 AN ACT

2 To enact Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 17:409.1 through 409.7, and R.S. 36:651(CC), relative to school
4 facilities; to create and provide for the Louisiana Statewide Education Facilities
5 Authority in the Department of Education; to provide for a board of commissioners
6 and an advisory council and for their membership, powers, duties, and functions; to
7 provide relative to program participation; to provide relative to ownership and
8 control of public school facilities funded through the authority; to provide relative
9 to implementation and funding; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 17:409.1 through 409.7, is hereby enacted to read as follows:

13 PART XII. LOUISIANA STATEWIDE

14 EDUCATION FACILITIES AUTHORITY

15 §409.1. Louisiana Statewide Education Facilities Authority

16 This Part may be referred to as the "Louisiana Statewide Education Facilities
17 Authority Act".

1 §409.2. Legislative findings2 The legislature hereby finds and declares the following:3 (1) To provide an education for the children of Louisiana, the facilities in
4 which those children learn should meet a standard of excellence.5 (2) The physical facilities in which students learn have a major impact on
6 student achievement and success.7 (3) School building quality affects the quality of teaching.8 (4) Louisiana is ranked as one of the four lowest states in terms of per pupil
9 spending on school facilities.10 (5) School building quality impacts the perception of a school's academic
11 quality.12 (6) Improving school building quality in Louisiana should be a top priority.13 (7) By understanding the current situation regarding school facilities, the
14 legislature and education officials are better equipped to determine their next steps.15 §409.3. Louisiana Statewide Education Facilities Authority; creation; board of
16 commissioners; meetings; quorum; compensation; employees17 A. There is hereby created the Louisiana Statewide Education Facilities
18 Authority within the executive branch of the Department of Education. The purpose
19 of the authority is to provide funding, coordination, assistance, and oversight for the
20 repair, renovation, and construction of public school facilities.21 B. The domicile of the authority shall be East Baton Rouge Parish.22 C.(1) The authority shall be governed by a board of commissioners
23 comprised as follows:24 (a) Three members shall be appointed by the governor, subject to
25 confirmation by the Senate, who shall have a background in construction,
26 architecture, or finance.27 (b) Two members shall be appointed by the State Board of Elementary and
28 Secondary Education, subject to confirmation by the Senate, who shall have a
29 background in construction, architecture, or finance.

1 (c) The state superintendent of education or his designee.

2 (d) One member shall be appointed by the Louisiana School Boards
3 Association, subject to confirmation by the Senate.

4 (2) Members shall be appointed to the board no later than October 1, 2010.

5 (3) Appointing authorities shall ensure that the membership of the board is
6 balanced geographically and that the membership is diverse.

7 D. A vacancy occurring on the board for any reason shall be filled in the
8 same manner as the original appointment.

9 E. Four members of the board shall constitute a quorum necessary for the
10 transaction of official business. All official actions of the board shall require an
11 affirmative vote of a majority of the commissioners present and voting.

12 F. Members of the board shall serve without compensation but may be
13 reimbursed for necessary and actual expenses incurred while fulfilling their official
14 duties as a member of the board.

15 G. The board shall meet and organize no later than October 16, 2010.

16 §409.4. Powers; duties; functions

17 A. The authority shall:

18 (1) Collaborate with city, parish, and other local public school boards to
19 determine how best to meet their specific needs with regard to school facilities.

20 (2) Consult with the Education Facilities Authority Advisory Council to
21 develop, based on best practices, a formula mechanism through which to assess and
22 prioritize applications for funding for local projects submitted by city, parish, and
23 other local public school boards. The formula shall, at a minimum, include the
24 following:

25 (a) Consideration for student health and safety, projected demographic
26 changes, adequate space needed to accommodate projected student enrollment, and
27 the ability of the local school system to finance school repairs, renovations, and
28 construction projects.

1 (b) Ensure that funds are allocated to city, parish, and other local public
2 school systems throughout the state based upon the regions established by the State
3 Board of Elementary and Secondary Education for the Regional Education Services
4 Centers and proportional to public school populations within each region.

5 (c) Develop a means for determining the amount of local funds that shall be
6 contributed by a city, parish, or other local public school system for each project
7 funded by the authority which emphasizes the ability of the school system to fund
8 projects locally. The authority may not fund one hundred percent of the cost of any
9 project, except on an emergency basis to repair school facilities damaged by fire,
10 flood, wind, storm, earthquake, hurricane, or any other natural occurrence.

11 (3) Establish design specifications for school facility repair, renovation, and
12 construction projects approved for funding by the board, including but not limited
13 to energy efficiency and construction materials.

14 (4) Review and evaluate existing funding mechanisms to support the
15 construction and or rehabilitation of schools in the state.

16 (5) Issue a report of its findings to the legislature by December 2010.

17 B. If the appropriate funds are available, the Louisiana Statewide Education
18 Facilities Authority may:

19 (1) Conduct a statewide assessment of public school facilities to assess and
20 evaluate the quality and condition of existing public school facilities and compile a
21 school-by-school inventory of facility deficiencies and needs.

22 (2) Review applications from city, parish, and other local public school
23 boards for funding for school facility repairs, renovations, and construction.

24 (3) Employ a qualified executive director who shall have a background in
25 construction, architecture, or finance to administer the functions, responsibilities, and
26 policies of the authority and whose duties shall include but not be limited to the
27 following:

28 (a) Manage and administer the daily functions of the authority and perform
29 all other functions necessary to the effective operation of the authority.

1 (b) Employ necessary staff to carry out the duties and functions of the
2 authority. Such staff may include a financial director, a chief of architectural
3 services, a liaison for local school systems, and any other necessary support staff.

4 (4) Submit to the Joint Legislative Committee on the Budget the formula
5 mechanism developed pursuant to R.S. 17:409.4(A)(2).

6 (5) Issue an annual report to the legislature of the authority's activity in the
7 previous budget year.

8 §409.5. Education Facilities Advisory Council; creation; membership; duties;
9 functions

10 A. There is hereby created the Education Facilities Advisory Council
11 comprised as follows:

12 (1) The governor or his designee.

13 (2) The chairman of the Senate Committee on Education or his designee.

14 (3) The chairman of the House Committee on Education or his designee.

15 (4) The chairman of the Senate Committee on Finance or his designee.

16 (5) The chairman of the House Committee on Appropriations or his
17 designee.

18 (6) The executive director of the State Bond Commission or his designee.

19 (7) The legislative auditor or his designee.

20 (8) A representative from the Louisiana School Facility Manager's
21 Association appointed by the association.

22 (9) A representative from the Louisiana Association of School Business
23 Officials appointed by the association.

24 (10) A representative of the Louisiana Association of School Superintendents
25 appointed by the association.

26 (11) A representative of the Louisiana Federation of Teachers appointed by
27 the federation.

28 (12) A representative of the Louisiana Association of Educators appointed
29 by the association.

1 (13) A representative of the Associated Professional Educators of Louisiana
2 appointed by the association.

3 B. The council shall provide advice and input to the Louisiana Statewide
4 Education Facilities Authority board of commissioners to inform policy and funding
5 decisions made by the board.

6 §409.6. Program participation; ownership and control of facilities

7 A. Participation by any city, parish, or other local public school board in any
8 program implemented by the Louisiana Statewide Education Facilities Authority is
9 voluntary.

10 B. Each city, parish, and other local public school board shall retain
11 ownership of and control over any school facility for which funding for repairs,
12 renovation, or construction was obtained through the authority.

13 C. The Louisiana Statewide Education Facilities Authority may serve in an
14 oversight capacity over a project undertaken by a city, parish, or other local public
15 school board to repair, renovate, or construct a school facility only to the extent that
16 the project is funded through the authority.

17 §409.7. Funding

18 In addition to funds that may be provided by the legislature, the authority
19 may seek and accept gifts, grants, and donations, including federal funds, from any
20 available source. Implementation of the provisions of this Part that require the
21 expenditure of funds shall be subject to the availability of public or private funds, or
22 both, for such purposes.

23 Section 2. R.S. 36:651(CC) is hereby enacted to read as follows:

24 §651. Transfer of boards, commissions, departments, and agencies to Department of
25 Education; boards, commissions, and agencies within Department of
26 Education

27 * * *

28 CC. The Louisiana Statewide Education Facilities Authority (R.S. 17:409.1
29 through 409.7) is placed within the Department of Education and shall exercise and

1 perform its powers, duties, functions, and responsibilities in the manner provided in
2 R.S. 36:801.1.

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)]

Leger

HB No. 210

Abstract: Establishes and provides for the La. Statewide Education Facilities Authority.

Proposed law creates the La. Statewide Education Facilities Authority (the authority) within the executive branch of the Dept. of Education to provide funding, coordination, assistance, and oversight for the repair, renovation, and construction of public school facilities. Provides for an uncompensated board of commissioners, for an executive director, and for an advisory council to provide advice and input to the authority.

Provides that the board shall be comprised of seven members as follows:

- (1) Five members – three appointed by the governor, two appointed by BESE – with a background in construction, architecture, or finance – subject to Senate confirmation.
- (2) The state superintendent of education or his designee.
- (3) One member appointed by the La. School Boards Association, subject to Senate confirmation.

Requires the authority to do the following:

- (1) Collaborate with school boards to determine how best to meet needs.
- (2) Develop formula and mechanism to assess and prioritize applications for funding local projects.
- (3) Establish design specifications for school construction projects approved for funding by the board.
- (4) Evaluate existing funding mechanisms for school construction projects.

Authorizes the authority to do the following if appropriate funds are available:

- (1) Conduct a statewide assessment of public school facilities and compile school-by-school inventory of deficiencies and needs.
- (2) Review applications from school boards for facility funding.
- (3) Employ an executive director who shall administer the functions of the authority and employ staff.
- (4) Submit the formula and mechanism that the authority is required to develop to the Joint Legislative Committee on the Budget for approval.
- (5) Issue an annual report of its activities to the legislature.

Proposed law authorizes the authority to seek and accept gifts, grants, donations, including federal funds, from any available source.

Proposed law provides that participation by a school board in an authority program is voluntary. Provides that a school board retains ownership of and control over any school facility for which funding is obtained through the authority and that the authority may exercise oversight over a project only to the extent that the project is funded through the authority.

(Adds R.S. 17:409.1-409.7 and R.S. 36:651(CC))