

Regular Session, 2014

HOUSE BILL NO. 491

BY REPRESENTATIVE GREENE

SCHOOLS/DISTRICTS: (Constitutional Amendment) Removes geographic limitations on the legislature's authority to create new school boards and on provisions relative to financing education

1

A JOINT RESOLUTION

2 Proposing to amend Article VIII, Sections 9 and 13(B), (C), and (D) of the Constitution of

3 Louisiana, to provide for creation of school boards and school districts by the

4 legislature, subject to voter approval; to remove certain provisions limiting the

5 legislature's authority to define the geographic jurisdiction of school districts; to

6 provide relative to funding for such districts; to provide for submission of the

7 proposed amendment to the electors; and to provide for related matters.

8 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

9 elected to each house concurring, that there shall be submitted to the electors of the state of

10 Louisiana, for their approval or rejection in the manner provided by law, a proposal to

11 amend Article VIII, Sections 9 and 13(B), (C), and (D) of the Constitution of Louisiana, to

12 read as follows:

13 §9. ~~Parish~~ Local Public School Boards; Parish and Superintendents14 Section 9.(A) Boards.(1) The legislature shall create ~~parish~~ local public15 school boards and provide for their geographic jurisdiction, referred to in this Section16 as "school districts", and the election of their members. The legislature shall not17 create a school district that is not wholly contained within a single parish.18 (2) On and after January 1, 2015, an act of the legislature creating a local19 public school board and creating a school district from territory in an existing district

1 or districts shall become effective only if a proposition proposing the creation of the
2 school board and school district as provided in the act has been approved by both of
3 the following at an election held for the purpose:

4 (a) A majority of the electors of the proposed school district who vote on the
5 proposition.

6 (b) A majority of the electors of each existing school district from which the
7 proposed school district is to be created who vote on the proposition.

8 (3) On and after January 1, 2015, an act of the legislature creating a local
9 public school board or otherwise changing a school district's boundaries shall not be
10 considered a violation of Article III, Section 12 of this constitution because of such
11 provisions, but such an act is subject to the requirements of Article III, Section 13
12 of this constitution.

13 (B) Superintendents. Each ~~parish~~ local public school board shall elect a
14 superintendent of ~~parish~~ schools. The State Board of Elementary and Secondary
15 Education shall fix the qualifications and prescribe the duties of the ~~parish~~ local
16 public school superintendent. He need not be a resident of the ~~parish in~~ school
17 district which he serves.

18 * * *

19 §13. Funding; Apportionment

20 Section 13.

21 * * *

22 (B) Minimum Foundation Program. The State Board of Elementary and
23 Secondary Education, or its successor, shall annually develop and adopt a formula
24 which shall be used to determine the cost of a minimum foundation program of
25 education in all public elementary and secondary schools as well as to equitably
26 allocate the funds to ~~parish and city~~ local public school systems. Such formula shall
27 provide for a contribution by every ~~city and parish~~ local public school system. Prior
28 to approval of the formula by the legislature, the legislature may return the formula
29 adopted by the board to the board and may recommend to the board an amended

1 formula for consideration by the board and submission to the legislature for
2 approval. The legislature shall annually appropriate funds sufficient to fully fund the
3 current cost to the state of such a program as determined by applying the approved
4 formula in order to ~~insure~~ ensure a minimum foundation of education in all public
5 elementary and secondary schools. Neither the governor nor the legislature may
6 reduce such appropriation, except that the governor may reduce such appropriation
7 using means provided in the act containing the appropriation provided that any such
8 reduction is consented to in writing by two-thirds of the elected members of each
9 house of the legislature. The funds appropriated shall be equitably allocated to
10 ~~parish and city~~ local public school systems according to the formula as adopted by
11 the State Board of Elementary and Secondary Education, or its successor, and
12 approved by the legislature prior to making the appropriation. Whenever the
13 legislature fails to approve the formula most recently adopted by the board, or its
14 successor, the last formula adopted by the board, or its successor, and approved by
15 the legislature shall be used for the determination of the cost of the minimum
16 foundation program and for the allocation of funds appropriated.

17 (C) Local Funds. Local funds for the support of elementary and secondary
18 schools shall be derived from the following sources:

19 ~~First:~~ (1) Each ~~parish~~ local public school board, except as provided in
20 Subparagraph (2) of this Paragraph, Orleans Parish excepted, and each municipality
21 or city school board actually operating, maintaining, or supporting a separate system
22 of public schools, shall levy annually an ad valorem maintenance tax not to exceed
23 five mills on the dollar of assessed valuation on property subject to such taxation
24 within the ~~parish or city, respectively~~ school district.

25 ~~Second:~~ (2) ~~The~~ A local public school board of a school district in New
26 Orleans ~~Parish School Board~~ shall levy annually a tax not to exceed thirteen mills on
27 the dollar of the assessed valuation of property within the city of New Orleans
28 assessed for city taxation, and shall certify the amount of the tax to the governing
29 authority of the city. The governing authority shall have the tax entered on city tax

1 rolls. The tax shall be collected in the manner, under the conditions, and with the
2 interest and penalties prescribed by law for city taxes. The money thus collected
3 shall be paid daily to the ~~Orleans Parish School Board~~ appropriate school board.

4 ~~Third:~~ (3) For giving additional support to public elementary and secondary
5 schools, any parish, municipality, school district, ~~or subschool district, or subdistrict~~
6 ~~or any municipality or city school board which supports a separate city system of~~
7 ~~public schools~~ may levy an ad valorem tax for a specific purpose, when authorized
8 by a majority of the electors voting in the parish, municipality, district, or subdistrict
9 in an election held for that purpose. The amount, duration, and purpose of the tax
10 shall be in accord with any limitation imposed by the legislature.

11 ~~(D)(1) Municipal and Other School Systems.~~ For the effects and purposes
12 of this Section, the Central community school system and the Zachary community
13 school system in East Baton Rouge Parish, and the municipalities of Baker in East
14 Baton Rouge Parish, Monroe in Ouachita Parish, and Bogalusa in Washington
15 Parish, and no others, shall be regarded and treated as parishes and shall have the
16 authority granted parishes. Consistent with this Article VIII of this constitution,
17 relevant to equal educational opportunities, no state dollars shall be used to
18 discriminate or to have the effect of discriminating in providing equal educational
19 opportunity for all students.

20 ~~(2) Notwithstanding Article III, Sections 12 and 13 and any other provision~~
21 ~~of this Constitution, in any session of the legislature in which a school system is~~
22 ~~proposed to be removed from the provisions of this Paragraph including any such~~
23 ~~proposal effective at the same time as this Subparagraph, the legislature may by law,~~
24 ~~the effectiveness of which depends on the passage and adoption by the people of~~
25 ~~such proposition, eliminate any or all relevant statutory provisions without regard to~~
26 ~~the requirements of such Sections.~~

27 Section 2. Be it further resolved that this proposed amendment shall be submitted
28 to the electors of the state of Louisiana at the statewide election to be held on November 4,
29 2014.

1 Section 3. Be it further resolved that on the official ballot to be used at the election,
2 there shall be printed a proposition, upon which the electors of the state shall be permitted
3 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
4 follows:

5 Do you support an amendment to remove restrictions on the legislature's
6 authority to define the geographic jurisdiction of local public school boards
7 and to provide for legislative creation of local public school boards and
8 school districts, subject to voter approval, which amendment also provides
9 that all legislatively created local public school boards are included in the
10 minimum foundation funding formula for public elementary and secondary
11 schools and provides for the taxing authority of such school boards?
12 (Amends Article VIII, Sections 9 and 13(B), (C), and (D))

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)]

Greene

HB No. 491

Abstract: Replaces requirement that the legislature create parish school boards with a requirement that the legislature create local public school boards and specify their geographic jurisdiction; requires voter approval of new school boards; provides that any local public school district is to be included in the MFP and has constitutionally granted authority to levy ad valorem taxes.

Present constitution requires the legislature to create parish school boards. Proposed constitutional amendment removes "parish" as a restriction on the type of school boards the legislature is to create and requires that the legislature specify the geographic jurisdiction of school boards. Proposed constitutional amendment changes references to parish schools and city or municipal schools to local public schools in the following constitutional provisions thereby providing that all school systems are covered by these provisions:

- (1) Provisions for the selection of local school superintendents.
- (2) Provisions for inclusion of school systems in the MFP formula and for the allocation of MFP funds to such systems.
- (3) Provisions requiring school systems to levy ad valorem taxes and establishing the maximum millage rate for such taxes.

Present constitution specifically provides that the following school systems are treated like other school systems for purposes of the MFP and local taxing authority: the Central community school system, the Zachary community school system, and school systems in

Baker, Monroe, and Bogalusa. Proposed constitutional amendment repeals present constitution.

Proposed constitutional amendment prohibits creation of a school district that is not wholly contained in a single parish.

Proposed constitutional amendment requires voter approval of an act of the legislature creating a new school board and a school district from territory in an existing district or districts. Requires approval of a majority of the electors voting in both the proposed school district and in each existing school district from which the proposed district is to be created.

Present constitution (Art. III, §12) prohibits a local law regarding management of parish or city public schools. Proposed constitutional amendment provides that a legislative act creating a school board or changing a school district shall not violate this provision, but requires publication of local notice of any such legislation.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

(Amends Const. Art. VIII, §§9 and 13(B), (C), and (D))