

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 188

BY REPRESENTATIVES EDWARDS, ADAMS, ANDERS, ARNOLD, BADON, BARROW, BILLIOT, WESLEY BISHOP, BROADWATER, BROSSETT, BURFORD, HENRY BURNS, TIM BURNS, BURRELL, CARMODY, CHANEY, COX, CROMER, DIXON, FRANKLIN, GAINES, GISCLAIR, GREENE, GUILLORY, GUINN, HARRIS, HARRISON, HAVARD, HILL, HOFFMANN, HOLLIS, HONORE, HOWARD, HUNTER, KATRINA JACKSON, JAMES, JEFFERSON, JOHNSON, JONES, KLECKLEY, LAMBERT, TERRY LANDRY, LEBAS, LEGER, LEOPOLD, MILLER, MONTOUCET, MORENO, JIM MORRIS, ORTEGO, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RICHARD, RITCHIE, SHADOIN, SMITH, ST. GERMAIN, STOKES, THIBAUT, THIERRY, THOMPSON, ALFRED WILLIAMS, PATRICK WILLIAMS, AND WILLMOTT AND SENATORS BROOME, BROWN, DORSEY-COLOMB, ERDEY, KOSTELKA, LAFLEUR, LONG, MORRELL, MURRAY, NEVERS, PETERSON, GARY SMITH, TARVER, AND THOMPSON

A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to recognize and include increased per pupil funding to city and parish school systems, as provided in House Bill No. 1 of the 2013 Regular Session, as part of the 2013-2014 Fiscal Year base per pupil amount when developing and adopting a minimum foundation program formula for the 2014-2015 Fiscal Year and to maintain at least that combined amount of per pupil funding for the 2014-2015 Fiscal Year minimum foundation program formula.

WHEREAS, Article VIII, Section 13(B) of the Constitution of Louisiana requires the State Board of Elementary and Secondary Education to develop and adopt, annually, a formula which is to be used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools as well as to allocate equitably the funds to parish and city school systems; and

WHEREAS, on March 8, 2013, the State Board of Elementary and Secondary Education (BESE) adopted such a formula to determine the cost and allocation of funds for the 2013-2014 Fiscal Year and on March 15, 2013, and submitted it to the legislature; and

WHEREAS, such formula was timely submitted to the legislature, and an instrument providing for legislative approval of the formula was introduced for consideration, Senate Concurrent Resolution No. 23; and

WHEREAS, on May 7, 2013, the Supreme Court of Louisiana in the case of *Louisiana Federation of Teachers, et al v. State of Louisiana, et al*, No. 2013-CA-0120, held that Senate Concurrent Resolution No. 99 of the 2012 Regular Session, which approved the minimum foundation program formula for 2012-2013 Fiscal Year, was null and void ab initio; and

WHEREAS, the state constitution provides that if the legislature does not approve the recommendation of the State Board of Elementary and Secondary Education, the minimum foundation program formula last approved remains in effect; and

WHEREAS, the ruling of the Supreme Court results in the continued applicability of the 2011-2012 minimum foundation program formula, approved by the legislature through the passage of House Concurrent Resolution No. 130 of the 2011 Regular Session, in determining the cost of a minimum foundation program of education in all public elementary and secondary schools as well as allocating equitably the funds to parish and city school systems; and

WHEREAS, Senate Concurrent Resolution No. 23 of the 2013 Regular Session was considered by the Senate Committee on Education on May 21, 2013, and was not reported; and

WHEREAS, the last valid minimum foundation program was approved in House Concurrent Resolution No. 130 of the 2011 Regular Session; and

WHEREAS, the legislature finds that increasing the base per pupil amount of funding for public schools by two and three-fourths percent (2.75%) would raise that amount from \$3,855 to \$3,961 per student, generating money to partially cover inflationary increases in expenditures and critical education initiatives; and

WHEREAS, the base per pupil amount of funding in the minimum foundation program may be adjusted only through legislative approval of a formula adopted by the State Board of Elementary and Secondary Education that provides for such an adjustment; and

WHEREAS, in order to provide for an increase in the base per pupil amount of funding in the minimum foundation program, the legislature intends to amend House Bill No. 1 of the 2013 Regular Session to provide for such an increase outside of the minimum foundation program formula by directing the Department of Education to allocate such funds

in the same manner in which they would have been allocated pursuant to the minimum foundation program formula; and

WHEREAS, it is the intent of the legislature that this increase in the per pupil amount, although provided for outside of the minimum foundation program formula for the 2013-2014 Fiscal Year, be recognized and included by the State Board of Elementary and Secondary Education as a minimum base per pupil amount in future years; and

WHEREAS, the office of the governor and the division of administration have expressed their commitment to include these adjustments in the 2014-2015 Fiscal Year executive budget as part of the minimum foundation program budget request and petition the State Board of Elementary and Secondary Education to recognize them as being included in the 2013-2014 Fiscal Year base per pupil amount when developing and adopting a new formula for the 2014-2015 Fiscal Year.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the State Board of Elementary and Secondary Education to recognize and include the increased base per pupil amount in funding to city and parish school systems, as provided in House Bill No. 1 of the 2013 Regular Session, as part of the 2013-2014 Fiscal Year base per pupil amount when developing and adopting a minimum foundation program formula for the 2014-2015 Fiscal Year.

BE IT FURTHER RESOLVED that the Legislature of Louisiana urges and requests the State Board of Elementary and Secondary Education to maintain at least this combined base per pupil amount for the 2014-2015 Fiscal Year minimum foundation program formula.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the governor, commissioner of administration, president of the State Board of Elementary and Secondary Education, and state superintendent of education.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE