

Regular Session, 2010

SENATE BILL NO. 446

BY SENATOR LAFLEUR

STUDENTS. Repeals outdated provisions relative to assignment, placement, and continuance of public school students. (8/15/10)

1 AN ACT

2 To repeal R.S. 17:101, 102, 103, and 104, relative to the assignment, transfer, and  
3 continuance of pupils; to repeal outdated provisions; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:101, 102, 103, and 104 are hereby repealed.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

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DIGEST

Present law (Act 492, 1960) states legislative findings that increasing demands upon the economy for the continuance of public education and the efficient maintenance and public support of the public school system require consideration of a more flexible and selective procedure for the establishment of schools, facilities, and curricula and as to the qualification and assignment of pupils. Further finds that there is a necessity for a procedure for the analysis of the qualifications, motivations, aptitudes, and characteristics of the individual pupils for the purpose of placement, both as a function of efficiency in the educational process and to assure the maintenance of order and good will indispensable to the willingness of its citizens and taxpayers to continue an educational system as a public function, and also as a vital function of the sovereignty and police power of the state.

Present law requires the state board of education to make continuing studies as a basis for general reconsideration of the efficiency of the educational system in promoting the progress of pupils in accordance with their capacity and to adapt the curriculum to such capacity and otherwise conform the system of public education to social order and good will. Provides

that pending further studies and recommendations by school authorities, the legislature considers that any general or arbitrary reallocation of pupils according to any rigid rule of proximity of residence or in accordance solely with request on behalf of the pupil would be disruptive to orderly administration, tend to invite or induce disorganization, and impose an excessive burden on the available resources and teaching and administrative personnel of the schools.

Present law provides that pending further study and legislation, local school boards are not required to make any general reallocation of pupils and shall have no authority to make or administer any general or blanket order to that end from any source whatever, or to give effect to any order which shall purport to, or in effect require, transfer or initial or subsequent placement of any individual or group in any school or facility without a finding by the local board or authority it designates that such transfer or placement is, as to each individual pupil, consistent with the test of the public and education policy governing the admission and placement of pupils in the public school system.

Present law provides that each local board has full and final authority and responsibility for the assignment, transfer, and continuance of all pupils among and within the public schools within its jurisdiction, and shall prescribe rules and regulations pertaining to those functions. Requires that the following factors be considered with respect to the individual pupil in the assignment, transfer, or continuance of pupils among and within the schools, or within the classroom and other facilities:

1. Available room and teaching capacity in the various schools.
2. Availability of transportation facilities.
3. Effect of the admission of new pupils upon established or proposed academic programs.
4. Suitability of established curricula for particular pupils.
5. Adequacy of the pupil's academic preparation for admission to a particular school and curriculum.
6. Scholastic aptitude and relative intelligence or mental energy or ability of the pupil.
7. Psychological qualification of the pupil for the type of teaching and associations involved.
8. Effect of admission of the pupil upon the academic progress of other students in a particular school or facility thereof.
9. Effect of admission upon prevailing academic standards at a particular school.
10. Psychological effect upon the pupil of attendance at a particular school.
11. Possibility or threat of friction or disorder among pupils or others.
12. Possibility of breaches of the peace or ill will or economic retaliation within the community.
13. Home environment of the pupil.
14. Maintenance or severance of established social and psychological relationships with other pupils and with teachers.
15. Choice and interests of the pupil.

16. Morals, conduct, health and personal standards of the pupil.
17. Request or consent of parents or guardians and the reasons therefor.

Present law provides that local school boards may require the assignment of pupils to any or all schools within their jurisdiction on the basis of sex, but assignments of pupils of the same sex among schools reserved for that sex shall be made in the light of the other factors enumerated above.

Proposed law repeals present law.

Effective August 15, 2010.

(Repeals R.S. 17:101, 102, 103, and 104)