

2019 Regular Session

SENATE BILL NO. 95

BY SENATOR LUNEAU

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SUPERINTENDENT OF ED. Provides relative to the state superintendent of education.
(gov sig)

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AN ACT

To amend and reenact R.S. 17:21, relative to the state superintendent of education; to provide relative to the state superintendent's powers, duties, responsibilities, qualifications, appointment, contract, salary, and confirmation; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:21 is hereby amended and reenacted to read as follows:

§21. ~~Superintendent~~ **State superintendent** of education for public elementary and secondary education; general functions; appointment qualifications; vacancies; compensation

A. There shall be a **state** superintendent of education for public elementary and secondary education, ~~hereinafter~~ sometimes referred to **in this Title** as the superintendent, who shall execute and implement those educational policies and programs which are under the supervision and control of the ~~board~~ **State Board of Elementary and Secondary Education**.

B.(1) ~~The~~ **As directed or authorized by the board, the state** superintendent shall administer and implement policies and programs adopted by the board and shall

1 serve as the administrative head of the Department of Education. In addition, he shall
2 have such other powers, functions, duties, and responsibilities as may be provided
3 by law.

4 (2)(a) The state superintendent, at a minimum, shall possess at the time of
5 appointment, ~~such the~~ qualifications ~~as are adopted~~ established by rule by the board
6 for the position of superintendent of a city, parish, or other local public school board.
7 Except by a favorable vote of at least two-thirds of the ~~authorized~~ total board
8 membership, the board shall have no authority to waive for the position of state
9 superintendent any qualification established by the board for the position of
10 superintendent of a city, parish, or other local public school board.

11 (b) The State Board of Elementary and Secondary Education, by rule, may
12 establish additional qualifications ~~applicable to the~~ for the office of state
13 superintendent.

14 C. The state superintendent shall be appointed by a two-thirds vote of the
15 total membership of the State Board of Elementary and Secondary Education. ~~The~~
16 and the board shall enter into a contract with the appointed state superintendent. The
17 length of the state superintendent's contract shall be determined by the board but
18 may not extend past the end of the term of office of the board members making the
19 appointment, except that the contract may provide that the state superintendent may
20 serve until the succeeding board ~~has made~~ makes an appointment. Any vacancy in
21 the office of the appointed state superintendent which occurs prior to the expiration
22 of the term of his contract shall be filled for the remainder of the unexpired term by
23 the method of appointment as provided in this Subsection.

24 D. The salary of the state superintendent shall be ~~set~~ determined by the State
25 Board of Elementary and Secondary Education, subject to the approval of the Joint
26 Legislative Committee on the Budget.

27 E. If the office of state superintendent of education is made appointive
28 pursuant to Article IV, Section 20 of the Constitution of Louisiana, the appointment,
29 notwithstanding any other provision of law to the contrary, shall be subject to

1 confirmation by the Senate **in accordance with the provisions of R.S. 24:14.**

2 Section 2. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

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

DIGEST

SB 95 Original

2019 Regular Session

Luneau

Present law provides that the superintendent of education shall administer, execute, and implement BESE policies and programs and shall serve as the administrative head of the Dept. of Education.

Present law provides that the state superintendent must possess the same qualifications established by BESE for a local school superintendent, unless waived by a two-thirds vote of the board. Authorizes BESE to establish additional qualifications for the office of state superintendent.

Present law provides for the appointment of the superintendent of education by a two-thirds vote of the State Board of Elementary and Secondary Education (BESE) and requires the board to enter into a contract with the appointed superintendent. Specifies that such contract may not extend past the term of office of the members of the board making the appointment. Further provides that the superintendent's contract may provide that the superintendent may serve until the succeeding board makes an appointment.

Proposed law retains present law and otherwise clarifies the role of the state superintendent, provides consistency to language distinguishing the office of state superintendent of education from that of a superintendent of a local school board, and makes various other technical corrections to present law.

Present law provides that an appointed state superintendent of education is subject to Senate confirmation.

Proposed law retains present law and specifies that the state superintendent be confirmed in accordance with present law provisions governing confirmation of state officials by the Senate.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:21)