

Regular Session, 2003

SENATE BILL NO. 225

BY SENATORS THEUNISSEN, BOISSIERE, CRAVINS, DARDENNE, DUPRE, FONTENOT, HAINKEL, IRONS, B. JONES, LAMBERT, LENTINI AND TARVER AND REPRESENTATIVES CRANE, K. CARTER, ALARIO, ALEXANDER, BRUNEAU, CROWE, DAMICO, DARTEZ, DEWITT, DIEZ, DOWNER, DOWNS, ERDEY, FLAVIN, FRUGE, HAMMETT, JOHNS, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, MCVEA, MONTGOMERY, MORRISH, NEVERS, PINAC, PITRE, SALTER, SCALISE, STELLY, STRAIN, TOWNSEND, WALKER, WALSWORTH AND WINSTON

SCHOOLS. Constitutional amendment to authorize BESE to provide for the operation of failed schools, including receiving, controlling, and expending certain funds. (2/3 - CA13s1(A))

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

A JOINT RESOLUTION

Proposing to amend Article VIII, Section 3(A), relative to the State Board of Elementary and Secondary Education; to empower the state board to supervise, manage, and operate or provide for the supervision, management, and operation of a public elementary or secondary school which has been determined to be failing; to empower the state board to receive, control, and expend certain funds; to provide that these authorities shall be in the manner provided by and accordance with law; to revise a reference to school boards that implies incorrect jurisdictional boundary limitations; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided

1 by law, a proposal to amend Article VIII, Section 3(A) of the Constitution of
2 Louisiana, to read as follows:

3 §3. State Board of Elementary and Secondary Education

4 Section 3.(A) Creation; Functions. The State Board of
5 Elementary and Secondary Education is created as a body corporate.
6 It shall supervise and control the public elementary and secondary
7 schools and special schools under its jurisdiction and shall have
8 budgetary responsibility for all funds appropriated or allocated by the
9 state for those schools, all as provided by law. The board shall have
10 other powers, duties, and responsibilities as provided by this
11 constitution or by law, but shall have no control over the business
12 affairs of a parish or city school board or the selection or removal of its
13 officers and employees; **however, the board shall have the power to**
14 **supervise, manage, and operate or provide for the supervision,**
15 **management and operation of a public elementary or secondary**
16 **school which has been determined to be failing, including the**
17 **power to receive, control, and expend state funds appropriated and**
18 **allocated pursuant to Section 13(B) of this Article, any local**
19 **contribution required by Section 13 of this Article, and any other**
20 **local revenue available to a school board with responsibility for a**
21 **school determined to be failing in amounts that are calculated**
22 **based on the number of students in attendance in such a school, all**
23 **in the manner provided by and in accordance with law.**

24 * * *

25 Section 2. Be it further resolved that this proposed amendment shall be
26 submitted to the electors of the state at the gubernatorial primary election to be
27 held in 2003.

1 Section 3. Be it further resolved that on the official ballot to be used at
2 the election there shall be printed a proposition, upon which the electors of the
3 state shall be permitted to vote FOR or AGAINST, to amend the Constitution
4 of Louisiana, which proposition shall read as follows:

5 To empower the State Board of Elementary and Secondary
6 Education to supervise, manage, and operate any public
7 elementary or secondary school determined to be failing or to
8 provide for others to do so; to empower the state board to
9 receive, control, and expend state minimum foundation program
10 money and local money contributed pursuant to the minimum
11 foundation program or otherwise in amounts calculated based on
12 the number of students in attendance in such a school, all in the
13 manner and in accordance with law. (Amends Article VIII,
14 Section 3(A))

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Diane M. Burkhart.

DIGEST

Present constitution provides for the creation and functions of BESE. Provides that the board shall supervise and control the public elementary and secondary school and special schools under its jurisdiction and have budgetary responsibility for all funds appropriated or allocated by the state for those schools. Specifies that the board shall have other powers, duties, and responsibilities as proved by the law, but shall have no control over the business affairs of a parish or city school board or the selection or removal of its officer and employees.

Proposed constitutional amendment empowers BESE to supervise, manage, and operate any public elementary or secondary school determined to be failing or to provide for others to do so. Empowers BESE to receive, control, and expend state minimum foundation program money and local money contributed pursuant to the minimum foundation program or otherwise in amounts calculated based on the number of students in attendance in such a school, all in the manner and in accordance with law.

Proposed constitutional amendment also revises the reference to "parish or city school board" to "parish, city, or other local school board" to account for the legal existence of a school board the jurisdiction of which is defined by neither parish or city boundaries.

(Amends Const. Art. VIII, Sec. 3(A))