

2019 Regular Session

SENATE BILL NO. 151

BY SENATORS LUNEAU, BARROW, BOUDREAUX, CHABERT, COLOMB AND MILLS

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

HEALTH DEPARTMENT. Transfers the La. Special Education Center from the Special School District to the Louisiana Department of Health and renames the center. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:43, 46(A)(1)(c), 81.9(A)(1)(b), 240(A)(1), 348(A), 419.2(A),
3 421.4, 422.6(B), and 1945(B)(1), R.S. 28:451.4, R.S. 39:98.3(C)(2) and 362(F) and
4 R.S. 49:121(E), to enact R.S. 28:22.8(A)(4) and R.S. 36:259(C)(8), and to repeal
5 R.S. 17:348(B), relative to the Louisiana Special Education Center; to provide for
6 the transfer of the center from the Special School District to the Louisiana
7 Department of Health; to rename the center; to provide for the transfer of employees,
8 property, assets, and obligations; to remove references to the center from certain
9 provisions of law; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:43, 46(A)(1)(c), 81.9(A)(1)(b), 240(A)(1), 348(A), 419.2(A),
12 421.4, 422.6(B), and 1945(B)(1) are hereby amended and reenacted to read as follows:

13 §43. Special schools defined; benefits for certificated teachers; legislative policy
14 A. It is declared to be legislative policy that the Louisiana special schools,
15 which include the Louisiana Schools for the Deaf and Visually Impaired ~~and the~~
16 ~~Louisiana Special Education Center~~, and the special schools comprising Special
17 School Programs, operated and maintained as a part of the public educational system

1 by the ~~Louisiana~~ **state** Department of Education, shall provide all benefits,
 2 privileges, rights, and powers as provided for certificated teachers in the public
 3 elementary and secondary schools in the interest of statewide uniformity of
 4 administration of teacher welfare benefits, including but not limited to the benefits
 5 enumerated in this Part.

6 B.(1) As used in this Part "special schools" includes all Louisiana special
 7 schools and all schools or educational programs in Special School Programs operated
 8 by the Louisiana Department of Education through the Special School District.

9 (2) Teachers at the Louisiana Schools for the Deaf and Visually Impaired
 10 may attain tenure in the educational program, either the educational program for the
 11 deaf and hard of hearing or the educational program for the visually impaired, for
 12 which they are certified. ~~Teachers at the Louisiana Special Education Center may~~
 13 ~~attain tenure at the Louisiana Special Education Center.~~ Teachers in Special School
 14 Programs may attain tenure in Special School Programs.

15 * * *

16 §46. Sabbatical leave program

17 A.(1) * * *

18 (c) For purposes of this Subpart, Louisiana Schools for the Deaf and Visually
 19 Impaired, ~~Louisiana Special Education Center~~, and Special School Programs are
 20 considered separate schools.

21 * * *

22 §81.9. School board policies; hiring procedures; statements; requirements

23 A. Notwithstanding any other provision of law to the contrary, prior to hiring
 24 any employee, each city, parish, and other local public school board shall require the
 25 applicant for such employment, hereinafter referred to in this Section as "the
 26 applicant", to sign a statement that:

27 (1) * * *

28 (b) Provides procedures for the disclosure of information by the applicant's
 29 current or previous employer, if such employer is the Louisiana School for the Deaf,

1 the Louisiana School for the Visually Impaired, or ~~the Louisiana Special Education~~
2 **Center Special School Programs**, relative to all instances of abuse or neglect of
3 students, as such terms are defined in Children's Code Article 603, as committed by
4 the applicant, if any.

5 * * *

6 §240. Prohibition against use of tobacco in schools; prohibition against smoking on
7 school bus; rules and regulations

8 A. For purposes of this Section the following terms shall have the following
9 meanings unless the context clearly indicates otherwise:

10 (1) "School property" means school grounds, playgrounds, premises, and
11 property, including but not limited to land, improvements, and school facilities,
12 located on the property of any elementary or secondary school, the Louisiana School
13 for the Deaf, the Louisiana School for the Visually Impaired, ~~the Louisiana Special~~
14 ~~Education Center~~, and schools in the Special School District. "School property" also
15 means any school vehicle used for the provision of academic and extracurricular
16 programs and administration at any elementary or secondary school, the Louisiana
17 School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana
18 Special Education Center, and schools in the Special School District.

19 * * *

20 §348. Louisiana Schools for the Deaf and Visually Impaired; ~~Louisiana Special~~
21 ~~Education Center~~; year-round operation; continuing service

22 A. The Louisiana Schools for the Deaf and Visually Impaired ~~and the~~
23 ~~Louisiana Special Education Center~~ may operate year-round under the provisions of
24 this Subpart, subject to the approval of the superintendent of the Special School
25 District and subject to the availability of funds.

26 * * *

27 §419.2. Extra compensation for school support personnel

28 A. All noncertificated support personnel employed by city, parish, or other
29 local public school systems and noncertificated, unclassified support personnel

1 employed by the Louisiana School for the Visually Impaired, the Louisiana School
 2 for the Deaf, ~~the Louisiana Special Education Center~~, the Jimmy D. Long, Sr.
 3 Louisiana School for Math, Science, and the Arts, the Southern University Lab
 4 School, the Louisiana State University Lab School, the New Orleans Center for the
 5 Creative Arts, the special school districts, the office of juvenile justice in the
 6 Department of Public Safety and Corrections, and nonpublic lunchroom employees
 7 eligible for state salary supplements shall be paid by the state extra compensation as
 8 provided in Subsection B of this Section. The annual state extra compensation shall
 9 be paid only to those support personnel not paid exclusively from federal funds.

10 * * *

11 §421.4. Salary increases for noninstructional school personnel

12 A. The salary increase funded by Act No. 12 of the 1991 Regular Session of
 13 the Legislature for noninstructional school employees, including teacher aides and
 14 paraprofessionals, school bus operators, food service workers, including school lunch
 15 employees provided a pay increase pursuant to Act No. 713 of the 1972 Regular
 16 Session of the Legislature, school nurses, clerical, custodial, and maintenance
 17 personnel, and any other employees of a city or parish school board or unclassified
 18 noninstructional employees of the Louisiana School for the Deaf, the Louisiana
 19 School for the Visually Impaired, ~~the Louisiana Special Education Center~~, and the
 20 Special School District who are not required to hold a teacher's certificate as a
 21 condition of employment, shall continue to be paid to such employees from year to
 22 year. The legislature annually shall appropriate sufficient funds for this purpose and
 23 shall make such funds available to the employing school boards.

24 B. Any increase in the expenditures of a city or parish school board or of the
 25 State Board of Elementary and Secondary Education resulting from a state-mandated
 26 increase in the salaries of noninstructional school personnel shall be fully funded by
 27 the state. Such funds shall be made available to the respective school boards. For
 28 purposes of this Subsection, noninstructional school personnel shall mean teacher
 29 aides and paraprofessionals, school bus operators, food service workers, school

1 nurses, clerical, custodial, and maintenance personnel, and any other employee of a
 2 parish or city school board or unclassified noninstructional employee of the
 3 Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, ~~the~~
 4 ~~Louisiana Special Education Center~~, and the Special School District who is not
 5 required to hold a teacher's certificate as a condition of employment.

6 * * *

7 §422.6. Hourly wages and salaries for school employees; reduction limitations;
 8 definition

9 * * *

10 B. For purposes of this Section, the term "school employee" shall mean,
 11 without limitation, a teacher aide, paraprofessional, school bus operator, food service
 12 worker, clerical, custodial, and maintenance personnel, and any other employee of
 13 a city or parish school board, of the Louisiana School for the Deaf, the Louisiana
 14 School for the Visually Impaired, ~~the Louisiana Special Education Center~~, or of the
 15 Special School District who is not required to hold a teacher's certificate as a
 16 condition of employment.

17 * * *

18 §1945. Special schools and school districts

19 * * *

20 B.(1) The Louisiana Schools for the Deaf and Visually Impaired, ~~and the~~
 21 ~~Louisiana Special Education Center~~, referred to as Louisiana Special Schools, are
 22 residential schools established to provide such academic, vocational, and other
 23 related services as may be required.

24 * * *

25 Section 2. R.S. 28:451.4 is hereby amended and enacted and R.S. 28:22.8(A)(4) is
 26 hereby enacted to read as follows:

27 §22.8. State developmental centers

28 A. The names of the following state developmental centers for persons with
 29 developmental disabilities are designated as follows:

* * *

(4) Central Louisiana Supports and Services Center.

* * *

§451.4. State developmental centers; office for citizens with developmental disabilities

A. The office shall administer, supervise, and be responsible for the operation of state developmental centers providing developmental disabilities services.

B. Pinecrest Supports and Services Center is continued as an administrative unit of this office.

C. **Central Louisiana Supports and Services Center shall be an administrative unit of this office.**

D. The facility administrator of each center shall ~~have the authority to develop~~ **recommend to the secretary of the Louisiana Department of Health** policies and procedures necessary for the proper and orderly operation of the facility. Such policies and procedures shall be consistent with principles of this Chapter, office policies, and all applicable federal and state laws and regulations. **Policies and procedures developed pursuant to this Subsection shall not be implemented until approved by the secretary.**

Section 3. R.S. 36:259(C)(8) is hereby enacted to read as follows:

§259. Transfer of agencies and functions to Louisiana Department of Health

* * *

C. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Louisiana Department of Health, as provided in Part II of Chapter 22 of this Title:

* * *

(8) Central Louisiana Supports and Services Center (R.S. 28:20.8).

* * *

Section 4. R.S. 39:98.3(C)(2) and 362(F) are hereby amended and reenacted to read as follows:

* * *

E. Those vehicles used in crime prevention and detection and similar investigative work, which if identified as required by this Section could not be used effectively for such purposes, are exempt from the provisions of this Part, and, in addition, the vehicles used by the governor, lieutenant governor, statewide elected officials, the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, ~~the Louisiana Special Education Center~~, the Special School District, and any community and group homes and residential facilities administered by the Department of Children and Family Services or the Louisiana Department of Health are exempt from the provisions of this Part.

* * *

Section 6. R.S. 17:348(B) is hereby repealed.

Section 7. The process to transfer the Louisiana Special Education Center to the Louisiana Department of Health shall begin not later than August 1, 2019, and conclude not later than January 31, 2020.

Section 8. The State Board of Elementary and Secondary Education, the state Department of Education, and the Special School District shall fully cooperate with the Louisiana Department of Health and take every action necessary to efficiently and expeditiously effect the transfer of the Louisiana Special Education Center.

Section 9. All assets, funds, facilities, property, equipment, books, documents, records, obligations, programs, and functions relative to the Louisiana Special Education Center shall be transferred to the Louisiana Department of Health on the effective date of the transfer.

Section 10. Prior to the effective date of the transfer of the Louisiana Special Education Center, the State Board of Elementary and Secondary Education, the state Department of Education, the Louisiana Special Education Center, and the Special School District shall not:

(1) Sell, transfer, or otherwise remove any asset or thing of value, movable or immovable, tangible or intangible, attributable to or owned by

1 center.

2 (2) Incur, transfer, or assign and debt or other responsibility or
 3 obligation to the center that is not properly attributable to the center.

4 (3) Reduce or reallocate the level of funding, staffing, or support that
 5 would otherwise be allocated to the center.

6 (4) Impose any budget reductions or changes in funding without the
 7 prior approval of the Joint Legislative Committee on the Budget.

8 (5) Take any personnel action with regard to any administrative,
 9 instructional or noninstructional employee of the center without the approval
 10 of the Louisiana Department of Health.

11 Section 11. The Louisiana Department of Health shall, to the extent possible
 12 while aligning the operation of the Louisiana Special Education Center with the
 13 operation of the other Louisiana Department of Health operated twenty-four hour
 14 facilities, provide for the transfer of Louisiana Special Education Center employees
 15 without loss of status, salary, and related benefits.

16 Section 12. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 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 151 Engrossed

2019 Regular Session

Luneau

Present law creates the Special School District (SSD) as an educational service agency administered by the state Department of Education (DOE). Further provides that the SSD includes the Louisiana special schools and Special School Programs.

Present law designates the Louisiana Schools for the Deaf and Visually Impaired and the Louisiana Special Education Center (LSEC) as special schools within the Special School District and provides that these schools are residential schools established to provide academic, vocational, and other related services as required.

Proposed law provides for the transfer of the Louisiana Special Education Center from the Special School District to the Louisiana Department of Health (LDH) and renames the center

as the "Central Louisiana Supports and Services Center."

Proposed law deletes references and provisions relative to the LSEC from all applicable statutory provisions and properly places the Central Louisiana Supports and Services Center within present law.

Present law provides for an annual appropriation to the LSEC from the Educational Excellence Fund. Proposed law removes the center from these provisions.

Present law provides that LDH facility administrators have the authority to develop policies and procedures necessary for the operation of the facility. Proposed law provides that the facility administrator makes recommendations on policy and procedures to the secretary of LDH and shall not implement those policies and procedures until approved by the secretary.

With respect to the transfer of the Louisiana Special Education Center to the La. Dept. of Health, proposed law provides as follows:

- (1) The process to transfer the LSEC to the LDH shall begin not later than August 1, 2019, and conclude not later than January 31, 2020.
- (2) Requires the State Board of Elementary and Secondary Education (BESE), DOE, and the SSD to fully cooperate with the LDH and take every action necessary to efficiently and expeditiously effect the transfer of the center.
- (3) The assets, funds, facilities, property, equipment, books, documents, records, obligations, programs, and functions relative to the LSEC shall be transferred to the LDH on the effective date of the transfer.
- (4) Prior to the effective date of the transfer of the LSEC, BESE, DOE, and the SSD shall not:
 - (a) Sell, transfer, or otherwise remove any asset or thing of value, movable or immovable, tangible or intangible, attributable to or owned by center.
 - (b) Incur, transfer, or assign and debt or other responsibility or obligation to the center that is not properly attributable to the center.
 - (c) Reduce or reallocate the level of funding, staffing, or support that would otherwise be allocated to the center.
 - (d) Impose any budget reductions or changes in funding without the prior approval of the Joint Legislative Committee on the Budget.
 - (e) Take any personnel action with regard to any administrative, instructional or noninstructional employee of the center without the approval of the LDH.
- (5) The LDH, to the extent possible while aligning the operation of the LSEC with the operation of the other LDH operated twenty-four hour facilities, shall provide for the transfer of LSEC employees without loss of status, salary, and related benefits.

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

(Amends R.S. 17:43, 46(A)(1)(c), 81.9(A)(1)(b), 240(A)(1), 348(A), 419.2(A), 421.4, 422.6(B), and 1945(B)(1), R.S. 28:451.4, R.S. 39:98.3(C)(2) and 362(F), and R.S. 49:121(E); adds R.S. 28:22.8(A)(4) and R.S. 36:259(C)(8); repeals R.S. 17:348(B))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Provides that all policies and procedures relative to the operation of office for citizens with developmental disabilities' facilities shall be approved by the secretary of LDH.
2. Provides that the LSEC as a unique entity shall not effectuate certain acts or omissions in the course of the transfer.
3. Provides that the prohibition on reducing or reallocating funding and support during the transfer also applies to a prohibited reduction of staffing.
4. Provides that LDH shall align the operation of LSEC with the operation of the other LDH operated 24 hour facilities as it relates to the transfer of LSEC employees.