

Regular Session, 2011

SENATE BILL NO. 80

BY SENATOR NEVERS AND REPRESENTATIVE AUSTIN BADON

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

EDUCATION DEPARTMENT. Provides for the reorganization of the Department of Education. (gov sig)

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AN ACT

To amend and reenact R.S. 36:642(C)(1), 643, 645(A)(5), 646, 648, and 649, to repeal R.S. 17:23 and Chapter 34 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3781 through 3784, and to repeal R.S. 36:647, relative to the Department of Education; to provide relative to the offices within the department and their functions; to provide relative to the titles of the officers of the department; to provide relative to the appointment and duties of the deputy superintendent of education; to remove provisions relative to the purposes and functions of certain offices; to remove duplicative and outdated provisions; to delete provisions relative to the establishment, governance, programs, and services of the regional education service centers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:642(C)(1), 643, 645(A)(5), 646, 648, and 649 are hereby amended and reenacted to read as follows:

§642. Department of Education; creation; domicile; composition; purposes and function

* * *

1 C.(1) The Department of Education shall be composed of the executive office
 2 of the superintendent, the office of management and finance, the office of ~~student~~
 3 ~~and school performance, the office of quality educators, the office of school and~~
 4 ~~community support, the technical college system~~ **literacy, the office of science,**
 5 **technology, engineering, and mathematics, the office of college and career**
 6 **readiness**, special school district number one, and such other offices as shall be
 7 created by law.

8 * * *

9 §643. Officers of the department; compensation for one office only

10 A. The officers of the department shall be the superintendent of education,
 11 **the deputy superintendent of education**, ~~the deputy superintendent for~~
 12 ~~management and finance, the deputy superintendent, if a deputy superintendent is~~
 13 ~~appointed, and an assistant **deputy** superintendent for each office of the department.~~
 14 With the exception of the superintendent of education, each of them shall be selected
 15 as provided in this Title. They shall perform functions as provided in this Title. If
 16 a **The** ~~deputy superintendent is appointed, he~~ shall be the first assistant to the
 17 superintendent appointed pursuant to Article IV, Section 13 of the constitution. If
 18 a ~~deputy superintendent is not appointed, the superintendent shall appoint his first~~
 19 ~~assistant to the office of deputy superintendent for management and finance or to one~~
 20 ~~of the offices of assistant superintendent.~~

21 B. No person serving as a superintendent, deputy superintendent, ~~deputy~~
 22 ~~superintendent for management and finance~~, or assistant **deputy** superintendent shall
 23 receive any additional salary from the state other than that salary which he receives
 24 by virtue of serving in any one of such offices.

25 C. Notwithstanding any provision herein to the contrary, subject to approval
 26 of the superintendent, any person serving as ~~deputy superintendent for management~~
 27 ~~and finance~~, deputy superintendent or assistant **deputy** superintendent may receive
 28 additional compensation for part-time services rendered as an instructor in post-
 29 secondary educational institutions, or as a member of the National Guard.

* * *

§645. Powers and duties of superintendent of education

A. In addition to the functions, powers, and duties otherwise vested in the superintendent by law, he shall:

* * *

(5) Except for agencies transferred as provided in R.S. 36:801.1, and except for provisions of the constitution to the contrary, act as the sole agent of the state or, in necessary cases, designate one of the offices within the department or its assistant **deputy** superintendent, to cooperate with the federal government and with other state and local agencies in matters of mutual concern and in the administration of federal funds granted to the state or directly to the department or an office thereof to aid in the furtherance of any function of the department and its offices. For this purpose he may take such actions, in accordance with applicable state law, necessary to meet such federal standards as are established for the administration and use of such federal funds, except as otherwise specifically provided in this Title or by the constitution and laws of this state.

* * *

§646. Deputy superintendent

There ~~may~~ **shall** be a deputy superintendent of the department, who shall be appointed by the superintendent with consent of the Senate and who shall serve at the pleasure of the superintendent at a salary fixed by the superintendent which salary shall not exceed the amount approved for such position by the legislature while in session. ~~If appointed, the~~ **The** deputy superintendent shall be the first assistant of the superintendent of education. The duties and functions of the deputy superintendent shall be determined and assigned by the superintendent. He shall serve as acting superintendent in the absence of the superintendent as provided by law.

* * *

§648. Assistant **deputy** superintendents

1 A. Each office within the Department of Education, ~~except the office of~~
2 ~~management and finance~~, shall be under the immediate supervision and direction of
3 an assistant **deputy** superintendent, who shall be appointed by the superintendent
4 with consent of the Senate. Each shall serve at the pleasure of the superintendent and
5 shall be paid a salary which shall be fixed by the superintendent which salary shall
6 not exceed the amount approved for such position by the legislature while in session.

7 B. Except as otherwise expressly provided in this Title, the duties and
8 functions of each office and its assistant **deputy** superintendent shall be determined
9 by the superintendent, and all of such duties and functions shall be exercised under
10 the direct supervision and control of the superintendent.

11 ~~D. C.~~ Each assistant **deputy** superintendent shall exercise all powers and
12 authority granted to him in this Title subject to the overall direction and control of
13 the superintendent.

14 * * *

15 §649. Offices; purposes and functions relating to elementary and secondary
16 education

17 A. The purposes for which the offices in the Department of Education are
18 created shall be as set forth in this Section.

19 B. The office of ~~student and school performance shall perform the functions~~
20 ~~of the state relating to student and school standards, assessment, accountability, and~~
21 ~~assistance, including exceptional children~~ **literacy shall perform the functions of**
22 **the state relating to reading and writing**, all in accordance with applicable law.

23 C. The office of ~~quality educators shall perform the functions of the state~~
24 ~~relating to teachers and administrators, including assessment and evaluation,~~
25 ~~certification, and staff development~~ **science, technology, engineering, and**
26 **mathematics shall perform the functions of the state relating to science,**
27 **technology, engineering, and numeracy**, all in accordance with applicable law.

28 D. The office of ~~school and community support shall perform the functions~~
29 ~~of the state relating to student, school, and community health and nutrition programs,~~

1 ~~and transportation programs~~ college and career readiness shall perform the
 2 functions of the state relating to dropout prevention and preparing students for
 3 college or career and technical education, all in accordance with applicable law.

4 E. The office of management and finance shall perform the functions of
 5 the state relating to accounting and budget control, procurement and contract
 6 management, management and program analysis, grants management, and
 7 personnel management, all in accordance with applicable law.

8 * * *

9 Section 2. R.S. 17:23 and Chapter 34 of Title 17 of the Louisiana Revised Statutes
 10 of 1950, comprised of R.S. 17:3781 through 3784, are hereby repealed.

11 Section 3. R.S. 36:647 is hereby repealed.

12 Section 4. This Act shall become effective upon signature by the governor or, if not
 13 signed by the governor, upon expiration of the time for bills to become law without signature
 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 16 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

Nevers (SB 80)

Present law (R.S. 36:642(C)(2)) provides that whenever the state superintendent determines that the administration of the functions of the Dept. of Education may be more efficiently performed by eliminating, merging, or consolidating existing offices or establishing new offices, he shall present a plan therefor to the legislature for its approval by statute.

Proposed law retains these provisions.

Present law (R.S. 36:642(C)(1)) provides that the Dept. of Education shall be composed of:

1. The executive office of the superintendent.
2. The office of management and finance.
3. The office of student and school performance.
4. The office of quality educators.
5. The office of school and community support.

6. The technical college system.
7. Special school district number one.
8. Such other offices as shall be created by law.

Proposed law provides instead that the Dept. of Education shall be composed of:

1. The executive office of the superintendent.
2. The office of management and finance.
3. The office of literacy.
4. The office of science, technology, engineering, and mathematics.
5. The office of college and career readiness.
6. Special school district number one.
7. Such other offices as shall be created by law.

Present law provides that the officers of the dept. of education shall be the superintendent of education, the deputy superintendent of education (if one is appointed), the deputy superintendent for management and finance, and an assistant superintendent for each office of the department.

Proposed law provides instead the the officers of the dept. of education shall be the superintendent of education, the deputy superintendent of education, and an assistant deputy superintendent for each office of the department.

Present law (La. Const. Article IV, Section 13) requires each elected official, except the governor and lt. governor, to appoint a first assistant. The first assistant must be confirmed by the Senate and possess the same qualifications required for election to office. R.S. 17:23 statutorily mirrors this constitutional requirement.

Proposed law deletes this statutory requirement as the office of state superintendent is no longer elected and R.S. 36:643(A) provides that the deputy superintendent shall serve as first assistant, thus meeting the constitutional requirement.

Present law (R.S. 36:646) provides the state superintendent may appoint a deputy superintendent, subject to Senate confirmation, who serves at the pleasure of the state superintendent. Provides that the deputy superintendent of education's salary is fixed by the state superintendent, subject to legislative approval. Further provides that the deputy superintendent shall be the superintendent's first assistant and shall serve as acting superintendent in his absence.

Proposed law statutorily establishes the office of deputy superintendent of education, instead of such position being optional, but otherwise retains present law.

Present law (R.S. 36:647) provides that there shall be a deputy superintendent for management and finance who, through the office of management and finance, shall be responsible for accounting and budget control, procurement and contract management, management and program analysis, technology and information management, and grants management. Provides that the deputy superintendent for management and finance is directly responsible to the state superintendent and shall perform his functions under the supervision and control of the superintendent. Further provides that these duties and functions shall not be subject to change by the superintendent, except that the deputy superintendent for

management and finance shall perform such additional duties and functions as are assigned by the superintendent.

Proposed law retains the functions of the office of management and finance but organizationally realigns the office to be on par with the other offices within the department. Provides that the office of management and finance will be headed by an assistant deputy superintendent, as with the other offices in the department, and not a deputy superintendent reporting directly to the state superintendent and whose duties cannot be changed by the superintendent.

Present law (R.S. 36:648) provides that each office within the Dept. of Education, except the office of management and finance, shall be under the immediate supervision of an assistant superintendent appointed by the state superintendent, subject to Senate confirmation. Provides that the salary of each assistant superintendent is fixed by the state superintendent, subject to legislative approval.

Proposed law provides that all offices within the Dept. of Education shall be headed by an assistant deputy superintendent, but otherwise retains present law.

Present law (R.S. 36:649) provides for the purposes and functions of each of the offices (other than the office of management and finance) within the Dept. of Education as currently established in present law as follows:

1. The office of student and school performance shall perform the functions of the state relating to student and school standards, assessment, accountability, and assistance, including exceptional children.
2. The office of quality educators shall perform the functions of the state relating to teachers and administrators, including assessment and evaluation, certification, and staff development.
3. The office of school and community support shall perform the functions of the state relating to student, school, and community health and nutrition programs, transportation, community adult training programs, and postsecondary and workforce development programs.

Proposed law deletes these provisions and provides instead for the purposes and functions of each of the offices within the Dept. of Education as follows:

1. The office of literacy shall perform the functions of the state relating to reading and writing.
2. The office of science, technology, engineering, and mathematics shall perform the functions of the state relating to numeracy, science, engineering, and technology.
3. The office of college and career readiness shall perform the functions of the state relating to dropout prevention and preparing students for college or career and technical education.
4. The office of management and finance shall perform the functions of the state relating to accounting and budget control, procurement and contract management, management and program analysis, grants management, and personnel management.

Proposed law deletes all relevant statutory references to the "deputy superintendent for management and finance" and changes all references to "assistant superintendent" to "assistant deputy superintendent."

Present law (R.S. 17:3781-3784) provides for the establishment of up to eight regional

education service centers under the supervision of the Department of Education as follows:

1. Requires BESE to establish the regions to be served and the location of each center, provided that any center location shall be within an approximate 30 mile radius of a public college or university having a college of education.
2. Provides that each center shall be established in a manner to provide equal and cost effective services to school systems based upon student population and geographic location.
3. Provides that each center shall be governed by a board of directors comprised of the superintendent of each participating school system, or his designee. Provides that the dean of each college of education at a 4-yr. college or university located in the region shall serve as an ex-officio, non-voting member of the board. Also provides for the duties of each board of directors.
4. Requires the Dept. of Education to maintain an office in Baton Rouge for the coordination and general supervision of the state and regional functions of the regional service centers.
5. Provides that the state superintendent of education, with BESE approval, shall determine regional service center programs and services, including support and technical assistance services and any other instructional or professional development program or service provided by the department to school systems which can be more effectively or efficiently coordinated through a regional center. Requires BESE, in making this determination, to consider the identified regional and local needs as determined by the board of directors for each center, legislative mandates, and local, state, and federal funding source priorities.

Proposed law deletes these provisions.

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

(Amends R.S. 36:642(C)(1), 643, 645(A)(5), 646, 648, and 649; repeals R.S. 17:23 and 3781 through 3784 and R.S. 36:647)