

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.

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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 enact R.S. 36:648.1, 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of education; to remove provisions relative to the purposes and functions of certain offices; to remove duplicative and outdated provisions; to delete provisions relative to the establishment, governance, programs, and services of the regional education service centers; and to provide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 and R.S. 36:648.1 is hereby enacted to read as follows:

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

* * *

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

* * *

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

A. The officers of the department shall be the superintendent of education,

1 the deputy superintendent of education, ~~the deputy superintendent for~~
 2 ~~management and finance, the deputy superintendent, if a deputy superintendent is~~
 3 ~~appointed~~, and an assistant **deputy** superintendent for each office of the department.

4 With the exception of the superintendent of education, each of them shall be selected
 5 as provided in this Title. They shall perform functions as provided in this Title. ~~If~~
 6 ~~a **The** deputy superintendent is appointed, he shall be the first assistant to the~~
 7 ~~superintendent appointed pursuant to Article IV, Section 13 of the constitution. If~~
 8 ~~a deputy superintendent is not appointed, the superintendent shall appoint his first~~
 9 ~~assistant to the office of deputy superintendent for management and finance or to one~~
 10 ~~of the offices of assistant superintendent.~~

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

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

20 * * *

21 §645. Powers and duties of superintendent of education

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

24 * * *

25 (5) Except for agencies transferred as provided in R.S. 36:801.1, and except
 26 for provisions of the constitution to the contrary, act as the sole agent of the state or,
 27 in necessary cases, designate one of the offices within the department or its assistant
 28 **deputy** superintendent, to cooperate with the federal government and with other state
 29 and local agencies in matters of mutual concern and in the administration of federal
 30 funds granted to the state or directly to the department or an office thereof to aid in

1 the furtherance of any function of the department and its offices. For this purpose he
 2 may take such actions, in accordance with applicable state law, necessary to meet
 3 such federal standards as are established for the administration and use of such
 4 federal funds, except as otherwise specifically provided in this Title or by the
 5 constitution and laws of this state.

6 * * *

7 §646. Deputy superintendent

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

17 * * *

18 §648. Assistant **deputy** superintendents

19 A. Each office within the Department of Education, ~~except the office of~~
 20 ~~management and finance~~, shall be under the immediate supervision and direction of
 21 an assistant **deputy** superintendent, who shall be appointed by the superintendent
 22 with consent of the Senate. Each shall serve at the pleasure of the superintendent and
 23 shall be paid a salary which shall be fixed by the superintendent ~~which salary~~ **and**
 24 shall not exceed the amount approved for such position by the legislature while in
 25 session.

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

30 ~~D. C.~~ Each assistant **deputy** superintendent shall exercise all powers and

1 authority granted to him in this Title subject to the overall direction and control of
 2 the superintendent.

3 §648.1. Special school district number one; administration

4 A. Special school district number one shall be under the administration
 5 and supervision of a state director who shall be appointed by the state
 6 superintendent of education, subject to confirmation by the Senate.

7 B. The salary of the state director of special school district number one
 8 shall be fixed by the state superintendent and shall not exceed the amount
 9 approved for such position by the legislature while in session.

10 C. The state director of special school district number one shall exercise
 11 his duties and functions under the direct supervision and control of the state
 12 superintendent of education.

13 §649. Offices; purposes and functions relating to elementary and secondary
 14 education

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

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

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

26 D. ~~The office of school and community support shall perform the functions~~
 27 ~~of the state relating to student, school, and community health and nutrition programs,~~
 28 ~~and transportation programs~~ college and career readiness shall perform the
 29 functions of the state relating to dropout prevention and preparing students for
 30 college or career and technical education, all in accordance with applicable law.

