

Regular Session, 2014

SENATE BILL NO. 636

BY SENATOR WHITE

SCHOOLS. Provides relative to the organization and management of large school systems.  
(8/1/14)

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AN ACT

To enact Subpart D of Part II of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:131 through 136, relative to school systems serving large populations; to provide for governance and administration of such systems; to provide for powers and duties of the school board and superintendent of such systems and of school principals; to provide for establishment of enrollment zones and an enrollment system; to provide for community school councils and community academic coordinators; to provide for effective and implementation dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart D of Part II of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:131 through 136, is hereby enacted to read as follows:

**SUBPART D. ADMINISTRATION AND**

**GOVERNANCE OF LARGE SCHOOL SYSTEMS**

**§131. Legislative findings; statement of purpose; large school system defined; applicability**

1           **A. The legislature finds that, within large school systems, the principals**  
2           **and educators within the local school are best able to administer the local**  
3           **school. The legislature further finds that large school systems face additional**  
4           **obstacles due to system size that prohibit local school principals and teachers**  
5           **from making administrative decisions that would most impact those local**  
6           **schools.**

7           **B. This Subpart is enacted to provide increased authority and**  
8           **decision-making power to school principals of schools within large school**  
9           **systems, to provide for significant parental involvement of those parents who**  
10          **have children attending schools in large school systems, and to provide strict**  
11          **accountability standards for local schools.**

12          **C. For purposes of this Subpart, a large school system is defined as any**  
13          **school system serving any parish with a population in excess of four hundred**  
14          **forty thousand persons, as established by the most recent federal decennial**  
15          **census, that serves more than forty thousand public school students, according**  
16          **to the latest Louisiana Department of Education October total enrollment**  
17          **count.**

18          **D. The provisions of this Subpart shall supplement and be in addition**  
19          **to other provisions of law relative to parish school boards, superintendents, and**  
20          **public schools. The provisions of this Subpart shall be construed broadly to**  
21          **effect its purposes and shall supersede any provision of law in conflict with its**  
22          **provisions.**

23          **E. This Subpart shall apply only to large school systems as defined in**  
24          **Subsection C of this Section.**

25          **F. Unless otherwise provided in this Subpart, the provisions of this**  
26          **Subpart shall not apply to any charter school as defined in R.S. 17:3973.**

27          **§132. References and definitions**

28                 **For purposes of this Subpart:**

29                 **(1) Any reference to a "school system" shall be to a large school system**

1 as defined in R.S. 17:131, and any reference to "central office", "local school  
2 board ", "school district", "superintendent", "school", "local school", and any  
3 other generally applicable terminology shall be to that of a large school system  
4 as defined in R.S. 17:131.

5 (2) "Council" means a community school council established as  
6 provided in R.S. 17:136.

7 (3) "Common enrollment system" means an enrollment process as  
8 provided in R.S.17:134(C), (D), and (E).

9 (4) "Enrollment zone" means a zone established as provided in R.S.  
10 17:134.

11 (5) "Excess Capacity" means the remaining capacity of a local school  
12 when the total number of students enrolled in a local school is less than the total  
13 capacity of the local school.

14 (6) "Excess Demand" means the additional capacity that would be  
15 required of a local school when the total number of students seeking enrollment  
16 in a local school is greater than the total capacity of the local school.

17 (7) "Retiree legacy costs" means post-employment financial obligations  
18 of the system.

19 §133. General powers of local school boards of large school systems;  
20 superintendent, powers, duties

21 A. The local school board shall have responsibility for examination and  
22 approval of the following duties of the superintendent:

23 (1) Financial operations and adoption of a budget for the school system,  
24 including but not limited to the development and adoption of a budget for the  
25 central office; however, the local school board shall have no responsibility for  
26 the development, adoption, or approval of a budget for any individual school  
27 within the school system.

28 (2) Collection and monitoring of all revenue for the school system.

29 (3) Allocation of funds for school system costs, including operations,

1 retiree legacy costs, and bonded indebtedness. The superintendent, with school  
2 board approval, shall establish a legacy trust fund for deposit of funds dedicated  
3 to and expenditure of funds for retiree legacy costs.

4 (4) Except as provided in Subsection B of this Section, allocation of all  
5 local, state, and federal funds available to the school system to individual  
6 schools on a per-pupil basis. Allocations shall include funds for special  
7 populations of students as provided in the Minimum Foundation Program  
8 formula.

9 (5) Oversight of expenditures, excluding expenditures in an individual  
10 school budget.

11 (6) Construction of new schools and other appropriate facilities and  
12 maintenance of existing and future schools and facilities of the school system,  
13 except as provided in R.S. 17:134(B), including major repairs to the physical  
14 plant of any local school, including but not limited to electrical, plumbing,  
15 HVAC, and roofing repairs.

16 (7) Enrollment zones as established by the superintendent and as  
17 provided in R.S. 17:134.

18 (8) Preparation for and response to emergencies and disasters.

19 B. The school system shall annually retain a maximum of three percent  
20 of the total per pupil amount established for each student enrolled in the school  
21 system by the Minimum Foundation Program formula to cover administrative  
22 costs and central office functions.

23 C. The local school board shall adopt policies and procedures for its own  
24 government, consistent with law and with the regulations of the State Board of  
25 Elementary and Secondary Education, as it may deem proper.

26 D. The local school board shall require the superintendent to:

27 (1) Enter into management contracts for independent operating  
28 management authority with the principal of each school as provided in R.S.  
29 17:134.

1                   **(2) Hire and review the performance of principals.**

2                   **(3) Remove principals and reconstitute schools that do not meet state**  
3 **minimum benchmarks as provided by the state school and district**  
4 **accountability system and accountability goals as provided in R.S.17:135 (B).**

5                   **(4) Create and manage a common enrollment system.**

6                   **(5) Establish enrollment zones, subject to the provisions of R.S. 17:134.**

7                   **(6) Oversee personnel management of central office staff, including**  
8 **recruiting, hiring, reviewing, and removing of such personnel.**

9                   **(7) Review local school budgets for fiscal accountability and compliance**  
10 **with governmental and accounting regulations and law.**

11                   **(8) Create a plan to address excess capacity and demand.**

12                   **(9) Oversee the management of the central office, the duties of which**  
13 **shall include:**

14                   **(a) Identifying, recruiting, retaining, and training the best principals**  
15 **available.**

16                   **(b) If requested by the principal of a local school, providing support**  
17 **services for the school pursuant to written agreements with the principal of the**  
18 **school for such services as school food services, financial and accounting**  
19 **services, student appraisal for special education services, student transportation**  
20 **services, special services for at-risk students, special education services other**  
21 **than gifted and talented, gifted and talented student services, custodial and**  
22 **maintenance services, media services, technology services, library services,**  
23 **health services, and health benefits for active employees. The local school shall**  
24 **reimburse the local school board for the actual cost of providing such services**  
25 **unless an amount less than the actual cost is agreed to by both parties.**  
26 **Annually, the superintendent shall prepare and submit to each local school a**  
27 **written report detailing the actual cost of the services provided to the school and**  
28 **shall prepare and submit a summary of this report to the local school board.**

29                   **(c) Processing and reporting data for purposes of the state school and**

1           accountability system.

2                   (d) Providing legal representation for the school system.

3                   (e) Providing communications and public relations for the school  
4                   system.

5           §134. Schools; independent operating management; enrollment zones

6                   A. The local school board shall require the superintendent to develop  
7                   and implement criteria and procedures for independent operating management  
8                   authority by means of management contracts with principals that establish and  
9                   hold principals and schools responsible for clear accountability goals  
10                   established as provided in R.S. 17:135(B) in exchange for independent  
11                   management authority. Management contracts with principals may vary from  
12                   principal to principal, provided the accountability goals established as provided  
13                   in R.S. 17:135(B) are addressed.

14                   B. The local school board shall require the superintendent to develop and  
15                   implement policies to allow the local school to have the right to use its  
16                   designated school building and all facilities and property otherwise part of the  
17                   school and recognized as part of the facilities or assets of the school and to allow  
18                   access to such additional facilities as are typically available to the school, its  
19                   students, and faculty and staff. Such use shall be unrestricted, except that the  
20                   local school shall be responsible for and obligated to provide for routine  
21                   maintenance and repair such that the facilities and property are maintained in  
22                   as good an order as when the principal's management contract term began.  
23                   There shall be no requirement for the local school to provide for the type of  
24                   extensive repair to buildings or facilities that would be considered to be a  
25                   capital expense or as set forth in R.S. 17:133(A)(6). Such extensive repairs shall  
26                   be provided by the school system or other public entity which is responsible for  
27                   the facility.

28                   C. The local school board shall require the superintendent to develop an  
29                   enrollment system for enrollment of students in all public schools in the school

1 system. It shall include at least three community-based enrollment zones  
2 approved by the local school board. The enrollment system shall include  
3 provisions for student choice, priority of schools for a student within the  
4 enrollment zone in which the student resides, access to schools across zones, and  
5 access to magnet schools and programs and special education schools,  
6 programs, and services.

7 D. The enrollment system shall include all public schools in all zones in  
8 which such schools are eligible to enroll students.

9 E. Charter schools shall be included in the enrollment system as an  
10 enrollment option in any enrollment zone from which they are eligible to enroll  
11 students.

12 §135. Principals

13 A. The principal of each local school shall be the school's chief executive  
14 officer. The local school board shall require that each principal shall have, as  
15 a minimum, responsibility for:

16 (1) Development of a school budget for submission to the  
17 superintendent.

18 (2) Personnel management, including recruiting, hiring, reviewing, and  
19 removing of personnel necessary for school operation and instruction. The  
20 principal shall make all employment-related decisions based upon performance,  
21 effectiveness, and qualifications. Effectiveness, as determined pursuant to R.S.  
22 17:3881 through 3905, shall be used as the primary criterion for making  
23 personnel decisions; however, in no case shall seniority or tenure be used as the  
24 primary criterion when making decisions regarding the hiring, assignment, or  
25 dismissal of teachers and other school employees.

26 (3) Student discipline.

27 (4) Student health and safety.

28 (5) Preparation and maintenance of a daily school schedule.

29 (6) Development of the school curriculum and provision of related

1            **training.**

2                    **(7) Instruction methods, instruction materials, and instructional**  
3            **support.**

4                    **(8) Examinations and assessments not required by state law.**

5                    **(9) School operations, including but not limited to resource management**  
6            **and procurement.**

7                    **(10) Professional development.**

8                    **(11) Compliance with district enrollment policies.**

9                    **B. Each principal shall be accountable for achieving performance goals**  
10            **established in management contracts which shall have a duration of no more**  
11            **than five years and no less than one year as provided for in R.S. 17:134(A),**  
12            **including but not limited to goals in each of the following areas:**

13                    **(1) Student performance on state examinations, end-of-course tests, and**  
14            **other examinations, including but not limited to the American College Test**  
15            **(ACT) and Advanced Placement.**

16                    **(2) Additional student achievement benchmarks as determined by the**  
17            **superintendent.**

18                    **(3) Health and safety.**

19                    **(4) Attendance.**

20                    **(5) Retention.**

21                    **(6) Promotion.**

22                    **(7) Course and examination passage rates.**

23                    **(8) Graduation rates, at the high school level.**

24                    **(9) College acceptance rates, at the high school level.**

25                    **(10) Sound financial operation.**

26                    **(11) School governance, leadership, and management.**

27            **§136. Community school councils; community academic coordinator**

28                    **A. This Section shall not be applicable to or include charter schools.**

29                    **B. The principals of all schools within an enrollment zone, except**



1 charter schools, shall establish one community school council for the enrollment  
2 zone. A council shall support school leaders, act as an advocate for schools, and  
3 engage surrounding communities.

4 C. A council's responsibilities shall include the following:

5 (1) Actively engaging the community in which the local schools are  
6 located, driving support for the schools, and cultivating a sense of community  
7 ownership.

8 (2) Developing a written parent and guardian involvement policy for the  
9 local schools in the enrollment zone that outlines the roles of parents and  
10 guardians.

11 (3) Working with school administrators in developing a school compact  
12 for parents, guardians, and students of the local schools in the zone that outlines  
13 each school's goals, academic focus, and behavioral and disciplinary  
14 expectations.

15 D. Each council shall have at least five members. At least fifty percent  
16 of the council membership shall be comprised of parents or guardians of  
17 students currently attending a school within the enrollment zone. At least forty  
18 percent of the council membership shall include community and business  
19 members whose residence or place of business is located within the enrollment  
20 zone. No member of a council shall be employed by the school system within the  
21 enrollment zone of the council. No current local school board member shall  
22 serve on a council. Council members shall serve terms of two years, but no  
23 council member shall serve for more than six successive years. Service on a  
24 council shall be uncompensated.

25 E. Each council may be assisted by a community academic coordinator,  
26 who shall be responsible for assisting the council in carrying out the duties  
27 described in this Section. The community academic coordinator shall be hired  
28 by and report to the principals leading schools within the enrollment zone  
29 served by the council. The principals in each enrollment zone shall be

1 **collectively and equally responsible for the salary, benefits, and related costs of**  
 2 **employing the community academic coordinator.**

3 Section 2. This Act shall become effective on August 1, 2014. The provisions of this  
 4 Act shall be fully implemented no later than July 1, 2017.

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

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#### DIGEST

White (SB 636)

Proposed law provides for the governance and administration of large school systems as follows:

- (1) Defines a large school system as any school system serving any parish with a population in excess of 440,000 persons according to the latest federal census and serving more than 40,000 school students according to the latest La. Dept. of Education October total enrollment count.
- (2) Provides that proposed law is enacted to provide increased authority and decision-making power to school principals, to provide for significant parental involvement, and to provide strict accountability standards for schools. Provides that it applies only to large school systems and does not apply to charter schools except as specifically provided.
- (3) Specifies that proposed law is supplemental and in addition to present law relative to parish school boards, superintendents, and public schools, that it should be construed broadly to effect its purposes, that it supersedes any law in conflict.
- (4) Provides that the school board for the system shall be responsible for examination and approval of the following duties of the superintendent:
  - (a) Financial operations and adoption of a school system budget, including development and adoption of a central office budget. Specifies that the school board shall have no responsibility for the development, adoption, or approval of a budget for any individual school.
  - (b) Collection and monitoring of all school system revenue.
  - (c) Allocation of funds for school system costs, including operations, retiree legacy costs, and bonded indebtedness. Requires the superintendent, with board approval, to establish a legacy trust fund for deposit of funds dedicated to and expenditure of funds for retiree legacy costs, that is post-employment financial obligations of the system.
  - (d) Allocation to schools on a per-pupil basis of all local, state, and federal funds available to the school system. Requires that allocations include funds for special populations of students as provided in the Minimum Foundation Program (MFP) formula.
  - (e) Oversight of expenditures, excluding expenditures in an individual school budget.
  - (f) Construction of new schools and other appropriate facilities and maintenance of existing and future schools and facilities, except routine maintenance, but including major repairs to the physical plant of any local school, including electrical, plumbing, HVAC, and roofing repairs.
  - (g) Enrollment zones as established by the superintendent. (See 8(c)below)
  - (h) Preparation for and response to emergencies and disasters.

- (5) Requires the school system annually to retain up to three percent of the total per pupil amount established for each student in the system by the MFP formula to cover administrative costs and central office functions.
- (6) Requires the school board to adopt policies and procedures for its own government, consistent with law and with State Board of Elementary and Secondary Education regulations, as it deems proper.
- (7) Requires the school board to require the superintendent to:
- (a) Enter into contracts for independent operating management authority with the principal of each school (See 8 below).
  - (b) Hire and review performance of principals.
  - (c) Remove principals and reconstitute schools that do not meet state minimum accountability system benchmarks and accountability goals established for principals (See 10 below).
  - (d) Create and manage a common enrollment system.
  - (e) Establish enrollment zones (See 8(c) below).
  - (f) Oversee personnel management of central office staff, including recruiting, hiring, reviewing, and removing personnel.
  - (g) Review local school budgets for fiscal accountability and compliance with governmental and accounting regulations and law.
  - (h) Create a plan to address school excess capacity and excess demand for schools.
  - (i) Oversee the management of the central office, including:
    - (I) Identifying, recruiting, retaining, and training the best principals available.
    - (II) If requested by a principal, providing support services for the school pursuant to written agreements with the principal for such services as school food services, financial and accounting services, student appraisal for special education services, student transportation services, special services for at-risk students, special education services other than gifted and talented, gifted and talented student services, custodial and maintenance services, media services, technology services, library services, health services, and health benefits for active employees. Requires the school to reimburse the school board for the actual cost of such services unless an amount less than the actual cost is agreed to by both parties. Requires the superintendent to prepare and submit annually to each local school a written report of actual cost of services provided to the school and to prepare and submit a summary of this report to the local school board.
    - (III) Processing and reporting data for state accountability system purposes.
    - (IV) Providing legal representation for the school system.
    - (V) Providing communications and public relations for the school system.
- (8) Requires the school board to require the superintendent to:
- (a) Develop and implement criteria and procedures for independent operating management authority by means of management contracts with principals that establish and hold principals and schools responsible for clear accountability goals (See 10 below) in exchange for independent

- management authority, which contracts may vary from principal to principal, provided the accountability goals are addressed.
- (b) Develop and implement policies to allow a school to have the right to use its designated school building and related facilities and property and to allow access to such additional facilities as are typically available to the school, its students, faculty, and staff. Provides that use be unrestricted, except makes the school responsible for routine maintenance and repair. Provides that extensive repair to buildings or facilities that would be considered a capital expense or as provided in (4)(f) above be provided by the school system or other public entity which is responsible for the facility.
- (c) Develop an enrollment system for enrollment of students in all public schools in the school system. Requires that the enrollment system include at least three community-based enrollment zones approved by the school board and provisions for student choice, priority of schools for a student within the enrollment zone in which the students resides, access to schools across zones, and access to magnet schools and programs and special education schools, programs, and services. Requires that the enrollment system include all public schools in all zones in which such schools are eligible to enroll students and that charter schools be included as an enrollment option in any enrollment zone from which they are eligible to enroll students.
- (9) Provides that the principal of each school is the school's chief executive officer and that requires that the school board require each principal to have, as a minimum, responsibility for:
- (a) Development of a school budget for submission to the superintendent.
- (b) Personnel management, including recruiting, hiring, reviewing, and removing of personnel necessary for school operation and instruction. Requires the principal to make all employment-related decisions based upon performance, effectiveness, and qualifications. Provides that effectiveness, as determined pursuant to state law relative to evaluation of school personnel shall be the primary criterion for personnel decisions and that seniority or tenure shall not be the primary criterion in decisions regarding the hiring, assignment, or dismissal of teachers and other school employees.
- (c) Student discipline.
- (d) Student health and safety.
- (e) Preparation and maintenance of a daily school schedule.
- (f) Development of the school curriculum and provision of related training.
- (g) Instruction methods, instruction materials, and instructional support.
- (h) Examinations and assessments not required by state law.
- (i) School operations, including resource management and procurement.
- (j) Professional development.
- (k) Compliance with district enrollment policies.
- (10) Provides that each principal is accountable for achieving performance goals established in management contracts which shall have a duration of no more than five years and no less than one year (See 8(a) above) including but not limited to goals in each of the following areas:
- (a) Student performance on state examinations, end-of-course tests, and other examinations, including but not limited to the American College Test (ACT) and Advanced Placement.
- (b) Additional student achievement benchmarks determined by the superintendent.
- (c) Health and safety.
- (d) Attendance.
- (e) Retention.
- (f) Promotion.

- (g) Course and examination passage rates.
  - (h) Graduation rates, at the high school level.
  - (i) College acceptance rates, at the high school level.
  - (j) Sound financial operation.
  - (k) School governance, leadership, and management.
- (11) Provides for community school councils as follows:
- (a) Provides that these provisions don't apply to or include charter schools.
  - (b) Requires the principals of all schools within an enrollment zone to establish one community school council for the enrollment zone. Provides that a council support school leaders, act as an advocate for schools, and engage surrounding communities.
  - (c) Provides that a council's responsibilities shall include:
    - (I) Actively engaging the community where the schools are located, driving support for the schools, and cultivating a sense of community ownership.
    - (II) Developing a written parent involvement policy for the schools in the enrollment zone that outlines the roles of parents and guardians.
    - (III) Working with school administrators in developing a school compact for parents, guardians, and students of schools in the zone that outlines each school's goals, academic focus, and behavioral and disciplinary expectations.
  - (d) Requires that each council have at least five members, and that at least 50% of the membership be comprised of parents or guardians of students currently attending a school within the enrollment zone and at least 40% include community and business members whose residence or place of business is located within the enrollment zone. Prohibits employment of a council member by the school system within the council's enrollment zone. Prohibits a current local school board member from serving on a council. Provides that council members serve two-year terms but prohibits service for more than six successive years. Provides that council service shall be uncompensated.
- (12) Permits each council to be assisted by a community academic coordinator, who is responsible for assisting the council in carrying out its duties. Provides that the coordinator be hired by and report to the principals of schools within the enrollment zone served by the council and that the principals be collectively and equally responsible for the salary, benefits, and related costs of employing the community academic coordinator.
- (13) Requires full implementation of the Act no later than July 1, 2017.

Effective August 1, 2014.

(Adds R.S. 17:131 - 136)