

2019 Regular Session

SENATE BILL NO. 151

BY SENATOR LUNEAU

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 R.S.

4 49:121(E), to enact R.S. 28:22.8(A)(4) and R.S. 36:259(C)(8), and to repeal R.S. 17:348(B),

5 relative to the Louisiana Special Education Center; to provide for the transfer of the center

6 from the Special School District to the Louisiana Department of Health; to rename the

7 center; to provide for the transfer of employees, property, assets, and obligations; to remove

8 references to the center from certain provisions of law; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:43, 46(A)(1)(c), 81.9(A)(1)(b), 240(A)(1), 348(A), 419.2(A),

11 421.4, 422.6(B), and 1945(B)(1) are hereby amended and reenacted to read as follows:

12 §43. Special schools defined; benefits for certificated teachers; legislative policy

13 A. It is declared to be legislative policy that the Louisiana special schools,

14 which include the Louisiana Schools for the Deaf and Visually Impaired ~~and the~~

15 ~~Louisiana Special Education Center~~, and the special schools comprising Special

16 School Programs, operated and maintained as a part of the public educational system

17 by the Louisiana state Department of Education, shall provide all benefits,

1 privileges, rights, and powers as provided for certificated teachers in the public
2 elementary and secondary schools in the interest of statewide uniformity of
3 administration of teacher welfare benefits, including but not limited to the benefits
4 enumerated in this Part.

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

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

14 * * *

15 §46. Sabbatical leave program

16 A.(1) * * *

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

20 * * *

21 §81.9. School board policies; hiring procedures; statements; requirements

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

26 (1) * * *

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

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

9 * * *

10 §421.4. Salary increases for noninstructional school personnel

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

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

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

5 * * *

6 §422.6. Hourly wages and salaries for school employees; reduction limitations;
7 definition

8 * * *

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

16 * * *

17 §1945. Special schools and school districts

18 * * *

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

23 * * *

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

26 §22.8. State developmental centers

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

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(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 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.

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:

§98.3. Appropriations from the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund

* * *

C. Appropriations from the Education Excellence Fund shall be restricted as

1 follows:

2 * * *

3 (2) Appropriations shall be made each year to the Louisiana School for the
4 Deaf, the Louisiana School for the Visually Impaired, ~~the Louisiana Special~~
5 ~~Education Center in Alexandria~~, the Jimmy D. Long, Sr. Louisiana School for Math,
6 Science, and the Arts, the New Orleans Center for Creative Arts and the Louis
7 Armstrong High School for the Arts, after such schools are operational, to provide
8 for a payment to each school of seventy-five thousand dollars plus an allocation for
9 each pupil equal to the average statewide per pupil amount provided each city,
10 parish, and local school system pursuant to Paragraphs (4) and (5) of this Subsection.

11 * * *

12 §362. Policies for fleet vehicles; purchase of vehicles; specifications; exceptions

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14 F. The commissioner of administration shall not promulgate rules or
15 regulations which require the Louisiana School for the Deaf, the Louisiana School
16 for the Visually Impaired, ~~the Louisiana Special Education Center~~, the Special
17 School District, and any community and group home and residential facilities
18 administered by the Department of Children and Family Services or the Louisiana
19 Department of Health to have an inscription, painting, stencil, or decal placed
20 conspicuously on an automobile, truck, or other vehicle with the name of the board,
21 commission, department, agency, or subdivision of the state to which the automobile,
22 truck, or other vehicle belongs, if the vehicle is used to transport students or clients.

23 Section 5. R.S. 49:121(E) is hereby amended and reenacted to read as follows:

24 §121. Name of board, department, or subdivisions; marking on boat or vehicle;

25 Louisiana public license plates; exemptions

26 * * *

27 E. Those vehicles used in crime prevention and detection and similar
28 investigative work, which if identified as required by this Section could not be used
29 effectively for such purposes, are exempt from the provisions of this Part, and, in

1 addition, the vehicles used by the governor, lieutenant governor, statewide elected
2 officials, the Louisiana School for the Deaf, the Louisiana School for the Visually
3 Impaired, ~~the Louisiana Special Education Center~~, the Special School District , and
4 any community and group homes and residential facilities administered by the
5 Department of Children and Family Services or the Louisiana Department of Health
6 are exempt from the provisions of this Part.

7 * * *

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

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

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

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

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

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

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

27 (3) Reduce or reallocate the level of funding or support that would otherwise
28 be allocated to the center.

29 (4) Impose any budget reductions or changes in funding without the prior

1 approval of the Joint Legislative Committee on the Budget.

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

5 Section 11. The Louisiana Department of Health shall, to the extent possible, provide
6 for the transfer of Louisiana Special Education Center employees without loss of status,
7 salary, and related benefits.

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

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 (LESC) 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 LESC 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 LESC from the Educational Excellence Fund. Proposed law removes the center from these provisions.

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 LESC 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 LESC shall be transferred to the LDH on the effective date of the transfer.
- (4) Prior to the effective date of the transfer of the LESC, 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 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, shall provide for the transfer of LESC 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))