

SENATE BILL NO. 151

BY SENATORS LUNEAU, BARROW, BOUDREAUX, CHABERT, COLOMB AND MILLS AND REPRESENTATIVES ADAMS, ARMES, BRASS, TERRY BROWN, CARMODY, COX, LANCE HARRIS, HILL, HOWARD, JACKSON, JEFFERSON, JENKINS, MIKE JOHNSON, LARVADAIN, MARCELLE, MOORE AND SMITH

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

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
18 by the ~~Louisiana~~ **state** Department of Education, shall provide all benefits,
19 privileges, rights, and powers as provided for certificated teachers in the public
20 elementary and secondary schools in the interest of statewide uniformity of

1 administration of teacher welfare benefits, including but not limited to the benefits
2 enumerated in this Part.

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

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

12 §46. Sabbatical leave program

13 A.(1) * * *

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

17 * * *

18 §81.9. School board policies; hiring procedures; statements; requirements

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

23 (1) * * *

24 (b) Provides procedures for the disclosure of information by the applicant's
25 current or previous employer, if such employer is the Louisiana School for the Deaf,
26 the Louisiana School for the Visually Impaired, or ~~the Louisiana Special Education~~
27 ~~Center~~ **Special School Programs**, relative to all instances of abuse or neglect of
28 students, as such terms are defined in Children's Code Article 603, as committed by
29 the applicant, if any.

30 * * *

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

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

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

14 * * *

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

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

21 * * *

22 §419.2. Extra compensation for school support personnel

23 A. All noncertificated support personnel employed by city, parish, or other
24 local public school systems and noncertificated, unclassified support personnel
25 employed by the Louisiana School for the Visually Impaired, the Louisiana School
26 for the Deaf, ~~the Louisiana Special Education Center~~, the Jimmy D. Long, Sr.
27 Louisiana School for Math, Science, and the Arts, the Southern University ~~Lab~~
28 **Laboratory** School, the Louisiana State University ~~Lab~~ **Laboratory** School, the
29 New Orleans Center for ~~the~~ Creative Arts, the special school districts, the office of
30 juvenile justice in the Department of Public Safety and Corrections, and nonpublic

1 lunchroom employees eligible for state salary supplements shall be paid by the state
2 extra compensation as provided in Subsection B of this Section. The annual state
3 extra compensation shall be paid only to those support personnel not paid exclusively
4 from federal funds.

5 * * *

6 §421.4. Salary increases for noninstructional school personnel

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

19 B. Any increase in the expenditures of a city or parish school board or of the
20 State Board of Elementary and Secondary Education resulting from a state-mandated
21 increase in the salaries of noninstructional school personnel shall be fully funded by
22 the state. Such funds shall be made available to the respective school boards. For
23 purposes of this Subsection, noninstructional school personnel shall mean teacher
24 aides and paraprofessionals, school bus operators, food service workers, school
25 nurses, clerical, custodial, and maintenance personnel, and any other employee of a
26 parish or city school board or unclassified noninstructional employee of the
27 Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, ~~the~~
28 ~~Louisiana Special Education Center~~, and the Special School District who is not
29 required to hold a teacher's certificate as a condition of employment.

30 * * *

1 §422.6. Hourly wages and salaries for school employees; reduction limitations;
2 definition

3 * * *

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

11 * * *

12 §1945. Special schools and school districts

13 * * *

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

18 * * *

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

21 §22.8. State developmental centers

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

24 * * *

25 **(4) Central Louisiana Supports and Services Center.**

26 * * *

27 §451.4. State developmental centers; office for citizens with developmental
28 disabilities

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

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

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

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

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

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

14 * * *

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

18 * * *

19 (8) Central Louisiana Supports and Services Center (R.S. 28:22.8).

20 * * *

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

23 §98.3. Appropriations from the Health Excellence Fund, the Education Excellence
24 Fund, and the TOPS Fund

25 * * *

26 C. Appropriations from the Education Excellence Fund shall be restricted as
27 follows:

28 * * *

29 (2) Appropriations shall be made each year to the Louisiana School for the
30 Deaf, the Louisiana School for the Visually Impaired, ~~the Louisiana Special~~

1 are exempt from the provisions of this Part.

2 * * *

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

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

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

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

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

19 (1) Sell, transfer, or otherwise remove any asset or thing of value,
20 movable or immovable, corporeal or incorporeal, attributable to or owned by
21 the center.

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

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

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

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

1 **Section 11. The Louisiana Department of Health shall, to the extent possible**
 2 **while aligning the operation of the Louisiana Special Education Center with the**
 3 **operation of the other Louisiana-Department-of-Health-operated twenty-four hour**
 4 **facilities, provide for the transfer of Louisiana Special Education Center employees**
 5 **without loss of status, salary, and related benefits.**

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

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____