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## DIGEST

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HB No. 273

**Abstract:** Abolishes the State Board of Elementary and Secondary Education (BESE), transfers its functions to the state superintendent of education, requires the statewide election of the superintendent and removes legislative authority to make this position appointive, provides for proposal of MFP formula by the superintendent and adoption of the MFP formula by the legislature, and authorizes the legislature to amend the MFP formula.

### State Board of Elementary and Secondary Education (BESE) - Abolition

Present constitution creates and provides for the State Board of Elementary and Secondary Education (BESE), composed of eight members elected from single-member districts and three members appointed by the governor with Senate consent who serve terms concurrent with the governor. Proposed constitutional amendment abolishes BESE effective at the end of the current term. Provides that members in office on the day the amendment is ratified and their successors shall continue in office until then and that any vacancy before then be filled by the governor.

### State Superintendent of Education - Election

Present constitution provides for a superintendent of education for public elementary and secondary education who shall be elected by the state's electors, but present constitution authorizes the legislature to provide for the appointment, in lieu of election, of specified elected officials, including the state superintendent, by a law enacted by a 2/3 vote of the legislature. Provides that the legislature shall prescribe qualifications and method of appointment should the office become appointive. Further provides that the legislature, by a 2/3 vote, may reestablish the office as elective. (Note: Acts 1985, No. 444, which became effective March 14, 1988, made the office of state superintendent appointive and provided for BESE's appointment of the superintendent.)

Proposed constitutional amendment removes the office of state superintendent of education from the list of elected offices that may be made appointive by legislative enactment. Provides that the office remains an appointive office until the second Mon. in Jan. 2016, when a superintendent elected in 2015 will take office.

Present constitution provides that the superintendent's qualifications shall be provided by law. Proposed constitutional amendment provides that the superintendent's qualifications shall be as provided by present constitution for other statewide elected officials (at least 25 years old, an elector, and citizen of La. and U.S. for at least five years) and that further qualifications shall be

provided by law. (Present law provides that the state superintendent shall have, at minimum, the same qualifications as those required of parish superintendents.)

### BESE Powers & Functions - Transfer to State Superintendent of Education

Present constitution provides for BESE powers and functions, including:

- (1) Supervision and control of public elementary and secondary schools and special schools under its jurisdiction and budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law.
- (2) Approval of certain private schools.
- (3) Coordination of public elementary, secondary, vocational-technical, career, and higher education programs with the Board of Regents.
- (4) Fixing of qualifications and duties of superintendents of parish schools.
- (5) Control and supervision of parish and city school board systems.
- (6) Prescription of school books and other materials of instruction.

Proposed constitutional amendment transfers these powers and functions to the state superintendent. Also removes the requirement that the superintendent implement BESE policies and provides that he shall implement policies of the state Dept. of Education and laws affecting schools under his jurisdiction.

### Minimum Foundation Program (MFP)

Present constitution requires BESE to annually develop and adopt a formula used to determine the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools and to equitably allocate the funds to public school systems. Proposed constitutional amendment requires the state superintendent to annually develop the formula and propose it to the legislature.

Present constitution authorizes the legislature, prior to approving the formula, to return it to BESE and recommend an amended formula. Proposed constitutional amendment authorizes the legislature to amend the formula prior to adopting it.

Present constitution requires that funds appropriated be allocated according to the formula as adopted by BESE and approved by the legislature prior to making the appropriation. Proposed constitutional amendment requires that funds appropriated be allocated according to the formula as adopted by the legislature.

Present constitution provides that if the legislature fails to approve the formula most recently

adopted by BESE, the last formula adopted by BESE and approved by the legislature shall be used to determine MFP cost and allocation of funds appropriated. Proposed constitutional amendment provides that if the legislature fails to adopt the formula proposed by the superintendent, with or without amendment, the last formula adopted by the legislature shall be used to determine MFP cost and allocation of funds appropriated.

#### Education Quality Support Fund and Millennium Trust

Present constitution provides that BESE annually submit to the legislature and governor a proposed program and budget for the expenditure of the monies in the La. Education Quality Support Fund. Requires the legislature to appropriate the total amount intended for elementary and secondary educational purposes to BESE, which shall allocate the monies to the programs as previously approved by the legislature. Present constitution further provides for the establishment in the state treasury of a special permanent trust known as the "Millennium Trust". Authorizes appropriations to certain independent public schools and alternative schools or programs authorized and approved by BESE. Proposed constitutional amendment changes these references from BESE to the state superintendent.

#### Submission to Voters and Effectiveness

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

Effective on second Mon. in Jan. 2016 except for transitional provisions, which are effective on Jan. 1, 2015.

(Amends Const. Art. IV, §20, Const. Art. VII, §§10.1(C)(1) and (3) and (D)(2)(intro. para.) and 10.8(C)(3)(a) and (c), and Const. Art. VIII, §§2, 4, 5(D)(intro. para.), 9(B), 10(A), 13(A) and (B), and 15; Repeals Const. Art. IV, §22(A)(2) and Const. Art. VIII, §3)