

Regular Session, 2014

HOUSE BILL NO. 1177

BY REPRESENTATIVES CARTER AND HONORE

SCHOOLS: Provides relative to the governance of schools in large school systems

1 AN ACT

2 To enact Subpart D of Part II of Chapter 1 of Title 17 of the Louisiana Revised Statutes of  
3 1950, to be comprised of R.S. 17:131 through 136, relative to school systems serving  
4 large populations; to provide for governance and administration of such systems; to  
5 provide for powers and duties of the school board and superintendent of such  
6 systems and of school principals; to provide for establishment of enrollment zones  
7 and an enrollment system; to provide for community school councils and community  
8 academic coordinators; to provide for effective and implementation dates; and to  
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

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

14 SUBPART D. ADMINISTRATION AND GOVERNANCE OF LARGE SCHOOL  
15 SYSTEMS

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

18 A. The legislature finds that, within large school systems, the principals and  
19 educators within a particular local school are best able to administer the local school.

20 The legislature further finds that large school systems face additional obstacles due

1 to system size that prevent local school principals and teachers from making  
2 administrative decisions that would most impact local schools.

3 B. This Subpart is enacted to provide increased authority and  
4 decisionmaking power to school principals of schools within large school systems,  
5 to provide for significant parental involvement of those parents who have children  
6 attending schools in large school systems, and to provide strict accountability  
7 standards for local schools.

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

13 D. The provisions of this Subpart shall supplement and be in addition to  
14 other provisions of law relative to parish school boards, superintendents, and public  
15 schools. The provisions of this Subpart shall be construed broadly to effect its  
16 purposes and shall supersede any provision of law in conflict with its provisions.

17 E. This Subpart shall apply only to large school systems as defined in  
18 Subsection C of this Section.

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

21 §132. References and definitions

22 For purposes of this Subpart:

23 (1) Any reference to a "school system" shall be to a large school system as  
24 defined in R.S. 17:131, and any reference to "central office", "local school board",  
25 "school district", "superintendent", "school", "local school", "principal", and any  
26 other generally applicable terminology shall be to that of a large school system as  
27 defined in R.S. 17:131.

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

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

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

4           (5) "Excess capacity" means the remaining capacity of a local school when  
5           the total number of students enrolled in a local school is less than the total capacity  
6           of the local school.

7           (6) "Excess demand" means the additional capacity that would be required  
8           of a local school when the total number of students seeking enrollment in a local  
9           school is greater than the total capacity of the local school.

10           (7) "Retiree legacy costs" means postemployment financial obligations of  
11           the school system.

12           §133. General powers of local school boards of large school systems;  
13           superintendent powers and duties

14           A. The local school board shall have responsibility for review and approval  
15           of the following duties of the superintendent:

16           (1) Financial operations and adoption of a budget for the school system,  
17           including but not limited to the development and adoption of a budget for the central  
18           office; however, the local school board shall have no responsibility for the  
19           development, adoption, or approval of a budget for any individual school within the  
20           school system.

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

22           (3) Allocation of funds for school system costs, including operations, retiree  
23           legacy costs, and bonded indebtedness. The superintendent, with school board  
24           approval, shall establish a dedicated account solely for deposit and expenditure of  
25           funds for retiree legacy costs as provided for in R.S. 17:1224.

26           (4) Except as provided in Subsection B of this Section, allocation of all local,  
27           state, and federal funds available to the school system to individual schools on a per-  
28           pupil basis. Allocations shall include funds for populations of students having

1 special characteristics or needs as provided in the Minimum Foundation Program  
2 formula.

3 (5) Oversight of expenditures except expenditures in an individual school  
4 budget.

5 (6) Construction of new schools and other appropriate facilities and  
6 maintenance of schools and facilities of the school system, except as provided in R.S.  
7 17:134(B), including major repairs to the physical plant of any local school,  
8 including but not limited to maintenance and repair of electrical, plumbing, heating,  
9 ventilation, air conditioning, and roofing.

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

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

13 B. The school system shall annually retain a maximum of three percent of  
14 the total per pupil amount established for each student enrolled in the school system  
15 for expenditure for school system costs as provided in Paragraph (A)(3) of this  
16 Section, excluding retiree legacy costs and bonded indebtedness.

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

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

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

23 (2) Hire and review the performance of principals.

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

27 (4) Create and manage a common enrollment system.

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

1           (6) Oversee personnel management of central office staff, including  
2           recruiting, hiring, reviewing, and removing of such personnel.

3           (7) Review local school budgets for fiscal accountability and compliance  
4           with governmental and accounting regulations and law.

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

6           (9) Identify, recruit, retain, and train the best principals.

7           (10) If requested by the principal of a local school, provide support services  
8           for the school pursuant to written agreements with the principal of the school for  
9           such services as school food services, financial and accounting services, student  
10           appraisal for special education services, student transportation services, special  
11           services for at-risk students, special education services other than gifted and talented,  
12           gifted and talented student services, custodial and maintenance services, media  
13           services, technology services, library services, health services, and health benefits  
14           for active employees. The local school shall reimburse the local school board for the  
15           actual cost of providing such services unless an amount less than the actual cost is  
16           agreed to by both parties. Annually, the superintendent shall prepare and submit to  
17           each local school a written report detailing the actual cost of the services provided  
18           to the school and shall prepare and submit a summary of this report to the local  
19           school board.

20           (11) Process and report data for purposes of the state school and  
21           accountability system.

22           (12) Provide legal representation for the school system.

23           (13) Provide communications and public relations for the school system.

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

25           A. The local school board shall require the superintendent to develop and  
26           implement criteria and procedures for independent operating management authority  
27           by means of management contracts with principals that establish and hold principals  
28           and schools responsible for clear accountability goals established as provided in R.S.  
29           17:135(B) in exchange for independent management authority. Management

1 contracts may vary from principal to principal, but contracts shall be in compliance  
2 with R.S. 17:135(B). Management contracts shall establish principals' salaries. The  
3 duration of management contracts shall be no more than five years and no less than  
4 one year, and management contracts may be terminated as provided in R.S. 17:443.

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

18 C.(1) The local school board shall require the superintendent to develop an  
19 enrollment system for enrollment of students in all public schools in the school  
20 system. It shall include at least three community-based enrollment zones approved  
21 by the local school board. The enrollment system shall include provisions for  
22 student choice, priority of schools for a student within the enrollment zone in which  
23 the student resides, access to schools across zones, and access to magnet schools and  
24 programs and special education schools, programs, and services.

25 (2) The enrollment system shall include all public schools in all zones in  
26 which such schools are eligible to enroll students.

27 (3) Charter schools shall be included in the enrollment system as an  
28 enrollment option in any enrollment zone from which they are eligible to enroll  
29 students.

1        §135. Principals

2                A. The principal of each local school shall be the school's chief executive  
3        officer. The local school board shall require that each principal shall have, at a  
4        minimum, responsibility for:

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

6                (2) Personnel management, including recruiting, hiring, reviewing, and  
7        removing of personnel necessary for school operation and instruction. The principal  
8        shall make all employment-related decisions based upon performance, effectiveness,  
9        and qualifications. Effectiveness as determined pursuant to R.S. 17:3881 through  
10       3905 shall be used as the primary criterion for making personnel decisions; however,  
11       in no case shall seniority or tenure be used as the primary criterion when making  
12       decisions regarding the hiring, assignment, or dismissal of teachers and other school  
13       employees.

14               (3) Student discipline.

15               (4) Student health and safety.

16               (5) Ensuring a safe workplace environment for teachers and other local  
17       school personnel.

18               (6) Preparation and maintenance of a daily school schedule.

19               (7) Development of the school curriculum and provision of related training.

20               (8) Instruction methods, instruction materials, and instructional support.

21               (9) Examinations and assessments not required by state law.

22               (10) School operations including but not limited to resource management  
23       and procurement.

24               (11) Professional development.

25               (12) Compliance with district enrollment policies.

26               B. Each principal shall be held accountable for achieving performance goals  
27       established in management contracts as provided for in R.S. 17:134(A), including but  
28       not limited to goals in each of the following areas:

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

4           (2) Additional student achievement benchmarks as determined by the  
5           superintendent.

6           (3) Health and safety.

7           (4) Attendance.

8           (5) Retention.

9           (6) Promotion.

10          (7) Course and examination passage rates.

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

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

13          (10) Sound financial operation.

14          (11) School governance, leadership, and management.

15          §136. Community school councils; community academic coordinator

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

17           B. The principals of all schools within an enrollment zone, except charter  
18           schools, shall establish one community school council for the enrollment zone. A  
19           council shall support principals, act as an advocate for schools, and engage  
20           surrounding communities.

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

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

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

26           (3) Working with principals in developing a school compact for parents,  
27           guardians, and students of the local schools in the zone that outlines each school's  
28           goals, academic focus, and behavioral and disciplinary expectations.

1           D. Each council shall have at least five members, but not more than eleven  
2           members. At least fifty percent of the council membership shall be comprised of  
3           parents or guardians of students currently attending a school within the enrollment  
4           zone. At least forty percent of the council membership shall include community and  
5           business members whose residence or place of business is located within the  
6           enrollment zone. No member of a council shall be employed by the school system  
7           within the enrollment zone of the council. No current local school board member  
8           shall serve on a council. Council members shall serve terms of two years, and no  
9           council member shall serve for more than six successive years. Service on a council  
10           shall be uncompensated.

11           E. Each council may be assisted by a community academic coordinator, who  
12           shall be responsible for assisting the council in carrying out the duties described in  
13           this Section. The community academic coordinator shall be hired by and report to  
14           the principals of schools within the enrollment zone served by the council. The  
15           principals in each enrollment zone shall be collectively and equally responsible for  
16           their school budgets for the salary, benefits, and related costs of employing the  
17           community academic coordinator.

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Carter

HB No. 1177

**Abstract:** Provides for governance and administration of large school systems.

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 Oct. total enrollment count.

- (2) Provides that proposed law is enacted to provide increased authority and decisionmaking 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, and that it supersedes any law in conflict.
- (4) Provides that the school board for the system shall be responsible for review 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 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 dedicated account solely for deposit and expenditure of funds for retiree legacy costs, that is postemployment financial obligations of the school system, as provided in present law.
  - (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 populations of students with special characteristics or needs as provided in the Minimum Foundation Program (MFP) formula.
  - (e) Oversight of expenditures except expenditures in an individual school budget.
  - (f) Construction of new schools and other appropriate facilities and maintenance of schools and facilities, except routine maintenance, but including major repairs to the physical plant of any local school, including electrical, plumbing, HVAC, and roofing.
  - (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 for expenditure for school system costs, excluding retiree legacy costs and bonded indebtedness (see (4)(c) above).
- (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) Identify, recruit, retain, and train the best principals.
  - (j) If requested by a principal, provide 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.
  - (k) Processing and reporting data for state accountability system purposes.
  - (l) Providing legal representation for the school system.
  - (m) 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 in exchange for independent management authority. Provides that management contracts may vary from principal to principal, but must comply with proposed law relative to accountability goals (see (10) below). Provides that contracts shall establish principals' salaries, that contract duration shall be no more than five years and no less than one year, and that contracts may be terminated as provided in present law.
  - (b) Develop and implement policies to allow a school 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, and faculty and staff. Provides that use be unrestricted, but 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 student 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 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) Ensuring a safe workplace environment for teachers and other local school personnel.
  - (f) Preparation and maintenance of a daily school schedule.
  - (g) Development of the school curriculum and provision of related training.
  - (h) Instruction methods, instruction materials, and instructional support.
  - (i) Examinations and assessments not required by state law.
  - (j) School operations including resource management and procurement.
  - (k) Professional development.
  - (l) Compliance with district enrollment policies.
- (10) Requires that each principal be held accountable for achieving performance goals established in management contracts (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 do not 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 principals, 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 principals 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 not more than eleven members. Requires 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 their school budgets, 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 Aug. 1, 2014.

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